

Andhra Pradesh Maintenance of Parents and Senior Citizens Rules, 2011

ANDHRA PRADESH

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Rule

ANDHRA-PRADESH-MAINTENANCE-OF-PARENTS-AND-SENIOR-CITIZENS RULES, 2011

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Andhra Pradesh Maintenance of Parents and Senior Citizens Rules, 2011Published vide Notification No. G.O. Ms. No. 49, Department for Women, Children, Disabled and Senior Citizens (DW), dated 28.12.2011Last Updated 10th September, 2019No. G.O. Ms. No. 49. - In exercise of the powers conferred by sub section (1) read with sub section (2) of section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act No. 56 of 2007), the Government of Andhra Pradesh hereby makes the following Rules, "for the Maintenance and Welfare of Parents and Senior Citizens in Andhra Pradesh".Chapter - I Preliminary

1. Short title and commencement.

(1)These rules may be called the Andhra Pradesh Maintenance of Parents and Senior Citizens Rules, 2011.(2)They shall come into force from the date of publication in the Andhra Pradesh Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Maintenance and Welfare of Senior Citizens Act, 2007 (Central Act. No.56 of 2007);(b)"application" means an application made to a tribunal under section 5 of the Act;(c)"Form" means a form appended to these rules;(d)"inmate" means in relation to an old age home, a senior citizen duly admitted to reside in such a home;(e)"opposite party" means the party against whom an application for maintenance has been filed under section 4;(f)"Presiding Officer" means an Officer appointed to preside over a Maintenance Tribunal referred to under sub section (2) of section 7, or an Appellate Tribunal under

sub section (2) of section 15;(g)"Old Age Institution" means any home or institute extending facilities or services to the older persons, whether residential or not.(h)"Registration Authority" means Assistant Director, Welfare of the Disabled and Senior Citizens of the district, responsible for registration of old age homes.(i)"Section" means a section of the Act;(j)"State Government" means the Government of Andhra Pradesh(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 and Conciliation Officers

3. Appointment of Conciliation Officers.

(1)Every Tribunal shall prepare a panel of persons suitable for appointment as Conciliation Officer under sub section (6) of section 6, which shall include the Maintenance Officers designated under section 18.(2)Persons referred to under sub-rule (1), other than Maintenance Officers designated under Section 18, shall be chosen subject to fulfilling the following conditions, namely:-(a)he should be associated with an 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, Rural Development or related fields, for at least two years with an unblemished record of service;(b)he should be a senior office-bearer of the organization; and(c)he should possess 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) subject to fulfilling the following conditions, namely:-(i)he must have a good and unblemished record of public service of minimum two years in one or more of the areas mentioned in clause - 2 (a); and(ii)he should possess knowledge of law.(3)The Tribunal shall publish the panel mentioned in sub-rule (1) for general information at least once in every year, on 1st January and every time any change is effected therein.

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

(1)A senior citizen including parent who is unable to maintain himself/herself from his/her own earning or out of the property owned by him/her, shall be entitled to make an application under section 4 in Form 'A' duly satisfying the clauses (a) and (b) of sub-section (1) of section - 5, through registered post, e-mail or any other manner as may be prescribed.(2)On receipt of an application under sub-rule (1), the Presiding Officer shall cause -(a)its essential details to be entered in a Record of Maintenance Claim cases to be maintained as in the Form -N and(b)Application shall be acknowledged in Form 'B', notwithstanding anything contained in rule 5, to the applicant or his/her 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 the Tribunal takes cognizance of a maintenance claim, suo motu, the Presiding Officer shall, after ascertaining facts, get Form 'A' completed as accurately as possible, through the staff of the Tribunal, and shall, as far as possible, get it authenticated by the concerned Senior Citizen or parent, or any person or organization authorized by him/her and shall cause the same to be registered in accordance with clause (a) of sub rule (2) above.(4)An application filed under sub-section (2) of section 5 for monthly allowance, for maintenance and expenses, shall be disposed off within ninety days from the date of the service of notice of the application to such person;Provided that the

Tribunal may extend the said period, once for a maximum period of 30 days in exceptional circumstances for the reasons to be recorded in writing.(5)The Tribunal may take the assistance of a person possessing special knowledge of any matter relevant to the enquiry or an office bearer of any registered organization of Senior Citizens.(6)It shall not be necessary to present a separate application to seek an interim maintenance order or direction, if the application contains a request seeking an interim maintenance order or direction pending final disposal of the application.(7)An applicant may, subsequent to the filing of application under section 4 of the Act, apply for an interim order or direction. Such application shall, as far as possible, be in the same form as is prescribed for an application under Rule 4(1).

5. 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(2)In case where the Tribunal finds any lacunae in the application, it may direct the applicant to rectify such lacunae within a reasonable time limit.

6. Notice to the Opposite Party.

(1)Once the Tribunal is satisfied on the points mentioned in sub-rule (1) of rule 5, within 7 (seven) working days from the date of receipt of the application by the Tribunal, it shall cause to be issued to each person against whom an application for maintenance has been filed, a notice in Form 'C' directing them to show cause why the application should not be granted, along with a copy of the application and its enclosures, in the following manner: -
(a)by hand delivery (Dasti) through the applicant if he/she so desires else through a process server, or
(b)by registered post with an 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 application should not be granted and shall also inform that, in case he/she fails to respond to it, the Tribunal shall proceed ex-parte.
(3)Simultaneously with the issue of notice under sub-rules (1) and (2), the applicant(s) shall also be informed of the date mentioned in sub-rule (2), by a notice 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 (1) (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. (2 of 1974)

7. Procedure in case of non-appearance by the Opposite Party.

- In case, despite service of notice, the opposite party fails to show cause in response to a notice, the Tribunal shall proceed ex-parte, by taking evidence of the applicant and making such other inquiry as it deems fit, and shall pass an order disposing of the application.

8. Procedure in case of admission of claim.

- In case, on the date fixed in the notice issued under rule 6, the opposite party appears and accepts his /her liability to maintain the applicant, and the two parties arrive at a mutually agreed settlement, the Tribunal shall pass an Order accordingly.

9. Procedure for imp-leading children or relatives.

(1)An application by the opposite party, under the proviso to sub-section (5) of section 5, to implead any other child or relative of the applicant shall be filed on the first date of hearing as specified in the notice issued under sub-rule (2) of rule 6: 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 imp-led 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 imp-led party in Form 'C' in accordance with rule 6.

10. Reference to Conciliation Officer.

(1)In case, on the date fixed in the notice issued under rule 6, 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 3, 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 3, or otherwise, the Tribunal shall appoint such person as the Conciliation Officer in the case, and shall refer the matter to him/her, 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/she shall draw up a memorandum of settlement in Form 'F' and 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/she shall return the papers

received from the Tribunal along with a report in Form 'H' showing efforts made to bring 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 11, 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 confirms 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, (i) the applicant(s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer as per rule 10, or (ii) 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 (iii) no report is received from a Conciliation Officer within the stipulated time limit of one month, or (iv) in response to the notice issued under sub-rule (1) of rule 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 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 7 or 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/her basic needs, especially food, clothing, accommodation, and health care; (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, 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 and a copy shall be communicated to the Maintenance Officer. (5) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such child or relative to make a monthly allowance for the interim maintenance of such Senior Citizens including parent and to pay the same to such Senior Citizen including parent, specifying the manner in which the amount is to be given as per the convenience of the applicant.

14. Maximum Maintenance Allowance.

- The maximum maintenance allowance which a Tribunal may order the opposite party to pay shall, subject to a maximum of rupees ten thousand per month, be fixed in such a manner that it does not exceed the monthly income from all sources of the opposite party, divided by the number of persons in his/her family, counting the applicant or applicants also among the opposite party's family members.

Chapter - III Procedure of Appellate Tribunal

15. Form of Appeal.

- An appeal under sub-section (1) of section 16 shall be filed before the Appellate Tribunal in Form 'I' which shall be accompanied by a copy of the impugned order of the Maintenance Tribunal.

16. Registration and Acknowledgement of appeal.

- On receipt of an appeal, the Appellate Tribunal shall register it in a record to be maintained for the purpose in such form as in the Form-O and shall, after registering such appeal, give an acknowledgement to the appellant specifying the appeal number in Form 'J'.

17. Notice of hearing to the Respondent and Appellant.

(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 respondents under its seal and signature informing the date of hearing 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) Simultaneously with the issue of notice under sub-rule (1), the applicant(s) shall also be informed of the date mentioned in sub-rule (1), by a notice in Form 'L'. (4) The provisions of Order V of the Code of Civil Procedure 1908 shall apply mutatis mutandis for the purpose of service of notice issued under sub-rule (1) and (3).

18.

The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month from the date of receipt of an appeal. Chapter - IV

19. Scheme/Regulations for Establishment/ Management of Old Age Homes.

(1) The old age homes in the State whether already in existence or proposed to be established, other than those run by the state government, shall register, with the Assistant Director for Welfare of Disabled and Senior Citizens of each District i.e., the Registration Authority under these Rules, and obtain a Registration Certificate to run the institution. (2) The old age home applying for Registration Certificate shall be registered under the Andhra Pradesh Societies Registration Act, 2001 (A.P. Act No. 35 of 2001), the Companies Act, 1956 (Central Act 1 of 1956), the Indian Trusts Act, 1882 (Central Act No. 2 of 1882) or any other law for time being in force providing for such registration. (3) All old age homes in the State, offering services for the welfare of senior citizens shall, declare the facilities and services offered in the home, in the form of a citizen's charter including the following and ensure the same: - (i) Suitable accommodation in secured premises with proper protection with basic facilities, periodic medical check-up and follow up thereon, amenities with hygienic and sanitary conditions in entire premises including kitchen, bathrooms, toilets etc., adequate number of toilets and baths, adequate supply of water for drinking and ancillary purposes and the quality of drinking water should be got certified by the laboratories (notified by Government) once in every year, arrangements for washing cloths, supply of daily needs, News

paper, library, T.V, First aid and primary health care facilities etc.(ii)The institution shall provide recreational activities on a regular basis including religious discourses, meditation, bhajans etc. as per the interests of stakeholders. The Senior Citizens shall be provided counselling where required, and kept engaged in a constructive manner mobilising support from Government and Non-Government Agencies, and other Philanthropic/Civil Society Members.(iii)Supply of age prescribed nutritious and wholesome diet, including local foods/ local seasonal vegetables/fruits to the residents, with menu displayed in institution.(iv)Adequate clothing and linen for the inmates, including for the winter season.(v)Adequate number of staff, including paramedical attendants (ayahs or nurses) for First aid and routine health care of the inhabitants.(vi)Required specialist treatment and therapy to the severely ill senior citizens by specialist institutions, preferably Government institutions.(vii)The services and quality of services provided should be commensurate with the payments made by the inmates.(viii)Home committees of inhabitants to encourage the participation and to respect the opinion of the residents of the home with a redressal mechanism to sort out the problems of all residents in a speedy and systematic manner.(ix)The Directors/Office bearers/Trustees/ Board Members/ Office bearer/ invitees and staff of the institution shall be mentally sound and shall not have/had any criminal record or involved in any offence/ plead guilty of an offence involving moral turpitude/financial fraud.(x)Objectives of old age home, details of name, address, occupation, qualifications of the Directors/Board Members and staff/employees working in the institution, details of inmates, monthly charges from inmates, etc shall be displayed on their website duly updating the same every year and in such manner as may be prescribed by Government/Registration Authority.(xi)The Chief functionary/in charge of the home shall, immediately after the occurrence of any death among the inmates/residents of the home, send a written report to the Police, with a copy thereof to the Registration Authority explaining the cause of death to the best of his/her knowledge.(xii)The old age home shall ensure that rights and entitlements of senior citizens under various schemes/statutory provisions are protected at all times.(4)Procedure for obtaining Registration Certificate:(i)Every person or Institution desiring to establish or maintain old age home or conduct/provide facility or service shall : -(a)Make an application for Registration Certificate to the Assistant Director, Welfare of the Disabled and Senior citizens of the concerned district (Registration Authority) in the Form-M along with particulars as required and fee of Rs.100/- through Demand Draft or Crossed Cheque in favour of Director, Welfare of Disabled and Senior Citizens.(b)Make available all Originals to the Registration Authority at the time of enquiry for verification:Provided that a person maintaining an old age home or providing a facility or service at the commencement of these Rules shall, within a period of three months from such commencement, make an application for such Registration Certificate.(ii)On receipt of the application for Registration Certificate, the Registration Authority concerned shall within one month, inspect the institution and verify the original documents, and other relevant matters including the following:(a)Objectives, antecedents and activities of the applicant/ management and in case of an Association, the office bearers of the managing committee/governing body, particulars of governing body and the staff of Institution, copy of Annual report, copy of Annual audited accounts, list of residents and particulars of facilities as declared by the home and as mentioned in the application form and actually provided.(b)All other conditions prescribed under rule 19 (3)(iii)If the Registration Authority, upon verification, is satisfied, he shall issue the Registration Certificate, subject to the conditions specified therein. On the other hand if the Registration Authority finds any discrepancy/ inadequacy in the information/ details submitted by

the organization/management of the home, it may return the application to the applicant for rectification and resubmission or reject the Registration Certificate for the reasons to be recorded in writing.(5)Validity of Registration Certificate: -(a)A Registration Certificate granted under these rules will be valid for a period of three years for the institutions to be newly established.(b)For well established institutions adhering to all conditions and minimum standards of care as prescribed by Government /Registration Certificate Authority from time to time, the Registration Certificate may be granted for a period up to 10 years depending on the reputation and record of institution concerned.(6)Registration Certificate not Transferable:-(a)A Registration Certificate granted under these rules shall not be transferable.(b)Any change in governing body/executive committee/ Management body staff should invariably be intimated to Registration Authority.(7)Without the previous written consent of the Registration Authority, the old age home shall not change its name or location as specified in the certificate. However, for reason to be justified, location change of the organization, should be intimated to the Registration Authority within 30 days(8)Every old age home registered shall provide an updated report on inmates to Registration Authority every year, in such manner as prescribed by Government or Registration Authority.(9)Powers of the Registration Authority:(a)Power to give directions to manager or in charge of a old age home:- Subject to the directions, if any, given by the Commissioner Disabled Welfare and Senior Citizens or the State Government, the Registration Authority may from time to time, give such general or special directions to the manager/ in charge of a recognized old age home as it thinks fit for the proper management of the home/facility of service. The manager/person in charge shall comply with such directions.(b)Delegation of powers: - Subject to the control/directions of the Commissioner Disabled Welfare and Senior Citizens or the State Government, the Registration Authority may, by general or special order in writing and subject to such conditions and limitations, as may be specified therein, delegate to any senior Officer/staff, such of its powers and functions under this rule, as it may deem necessary, for the efficient carrying of its administration.(10)Monitoring and Supervision:- The Assistant Director for Welfare of Disabled and Senior Citizens in the District, any member of the District Committee/State Council of Older Persons or any person authorized by the District Collector/State Nodal Officer for Senior Citizens/State Government has powers to inspect any Old Age Home maintained by the individuals/ a group of individuals/ voluntary organizations / institutions / charitable trusts/ statutory bodies etc. and call for any information or record from the management of the home for the purpose of implementing these rules.(11)Revocation of Registration Certificate:- The Registration Authority or the District Collector may revoke the Registration Certificate by an order, for reasons to be recorded in writing, if the old age home is not being run in accordance with the conditions specified in the rules or Registration Certificate:Provided that no order of revocation shall be made until an opportunity is given to the person to show cause as to why the certificate should not be revoked:Provided further that where the situation warrants in the interest of inmates or residents, for the reasons to be stated in writing, the Registration Authority may suspend the Registration Certificate and order for closure of the institution.(12)Renewal of Registration Certificate:-(a)All old age homes shall apply for renewal of Registration Certificates as prescribed at Rule 19 (4) 1 (a), 60 days prior to date of expiry of Registration Certificate.(b)The Registration Authority, if required, by causing/ facilitating visits, shall satisfy itself that all conditions/standards prescribed have been adhered to and may grant renewal for a minimum period of 3 years:Provided that a Registration Certificate may be renewed on an application made within sixty days (60) from the date of its expiration, if the Registration

Authority is satisfied that there was sufficient cause for not making the application earlier.(13)Appeals under this chapter:-(i)Any person aggrieved by an order of the Registration Authority refusing to grant a Registration Certificate or revoking a Registration Certificate, may within 30 days of receipt of order, prefer an appeal to the concerned District Collector (Appellate Authority), who shall decide it after hearing both the parties within a period of 3 months.(ii)Any party aggrieved by the order of the Appellate Authority may, within a period of 30 days, file a revision petition before the Commissioner, Disabled Welfare and Senior Citizens (Re-visional Authority), whose order shall be final.(iii)Serving of notices to the aggrieved person/NGO by the Registration Authority/ Appellate Authority/ Re-visional Authority shall be as per the provisions of the Code of Civil Procedure 1908.(14)Cessation of Institution/Service Provider: -(i)An institution /Service Provider for the senior citizens shall be closed or shall cease to function under the following circumstances:(a)Where no application has been made, for registration of old age home already existing, even after the expiry of 3 months of the issue of these rules as required under rule 19 (4) (i), or for renewal of the registration as required under rule 19 (12).(b)Where the Registration Authority rejected the registration of the Old Age Home or Service provider under these rules and no appeal is pending on such rejection;(c)Where registration certificate in respect of a home is revoked under rule 19 (11) and no appeal is pending on such revocation;(ii)When any old age home ceases to function under Rule 19 (14) (i) the Registration Authority may direct that any inmate of such home shall be-(a)restored to the custody of her child, relative or legal heir, as the case may be, provided the Registration Authority satisfies itself of proper protection and care of such person and person to be restored is willing for such restoration or(b)transferred to another suitable old age home.(15)Penalty for violations under this chapter: Any person who continues to run an old age home or facility in violation of orders issued under rule 19 (14) shall be liable for punishment with fine up to Rs. 25000/- (Rupees Twenty Five thousand only). Further, the assets accrued from resources meant for senior citizen concerned but not utilized for them, shall also be liable for forfeiture for utilization for Welfare of Senior Citizens:Provided that no order imposing the said penalty shall be made by the Assistant Director, for Welfare of the Disabled and Senior Citizens, except on the recommendation of the District Committee.Chapter - V

20. Duties and Powers of the District Magistrate.

(1)The District Magistrate shall ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.(2)It shall be the duty of the District Magistrate to(i)ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;(ii)oversee and monitor the work of Registration authority Maintenance Tribunals and Maintenance Officers of the district with a view to ensuring timely and fair disposal of applications for maintenance, and execution of Tribunal's orders and implementation of rules herein.(iii)oversee and monitor the working of old age homes in the district so as to ensure that they conform to the standards laid down in these rules, and any other guidelines and orders of the State Government;(iv)ensure regular and wide publicity of the provisions of the Act, and Central and State Governments programmes for the Welfare of Senior Citizens;(v)encourage and coordinate with Panchayats, Municipalities, Nehru Yuvak Kendras,

Educational Institutions and especially their National Service Scheme Units, organizations, specialists, experts, activists and other civil societies organizations working in the district so that their resources and efforts are effectively pooled for the welfare of senior citizens of the district ;(vi)ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;(vii)ensure periodic sensitization of officers of various departments and Local Bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter.(viii)review the progress of investigations and trial of cases relating to senior citizens in the District, except in cities having a Police Commissioner, where it shall be responsibility of Police Commissioners concerned to do so.(ix)ensure that adequate number of prescribed application forms for maintenance are available on-line or in offices of common contact for citizens like Panchayats, Post Offices, Mandal Parishad Offices, Mandal Revenue Offices, Revenue Divisional Offices, Collector-ate, Police Stations etc;(x)promote establishment of dedicated Help Lines for senior citizens at district headquarters, to begin with; and(xi)perform such other functions as the State Government may, by order, assign to the District Magistrate in this behalf, from time to time.(3)With a view to ensuring the provisions of this Act, Rules and Guidelines and instructions as prescribed by the State Government from time to time are properly carried out, the District Magistrate shall be competent to issue such directions, not inconsistent with the Act, these rules, and general guidelines of the State Government, as may be necessary, to any concerned Government or Statutory Agency or body or individuals/ a group of individuals/ Voluntary Organizations / Institutions / Charitable Trusts/ Statutory Bodies etc. working in the district, and especially to the following: -(a)Officers of the State Government in the Police, Health and Publicity Departments and the Departments dealing with welfare of senior citizens;(b)Maintenance Tribunals and Conciliation Officers;(c)Panchayats, Municipalities and Municipal Corporations;(d)Educational institutions and(e)Other concerned institutions/persons.

Chapter - VI Protection of Life and Property of Senior Citizens

21. Action plan for the Protection of Life and Property of Senior Citizens.

(1)The District Superintendent of Police, and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines as the State 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 with the assistance of Volunteers Committee formed under rule 21(2)(iv).(ii)a representative of the police station together, as far as possible, with a an office bearer of a senior citizens' organization or social worker or volunteer shall visit such senior citizens living on their own at regular intervals or at least once a quarter and shall, in addition, visit them as quickly as possible on receipt of a request for assistance from them.(iii)community policing for the security of senior citizens will be undertaken by Police in conjunction with citizens living in the neighbourhood, Residents' Welfare Associations, Youth volunteers, Non Governmental Organizations etc.(iv)one or more Volunteers' Committee(s) shall be formed for each Police Station, consisting of a respectable senior citizen, a member of an accredited NGO, a women member who could be a member of any one of the Government Committees like Child Welfare Committee, a retired person who has served in uniform service, which shall ensure regular contact between the senior citizens, especially those

living by themselves, on the one hand, and the police and the district administration on the other.(v)complaints/problems of senior citizens shall be promptly attended to, by the local Police.(vi)antecedents of domestic servants and others to be engaged by senior citizens shall be promptly verified by the concerned Station House Officer with the assistance of Concerned Village Administration Officer and/or concerned other Local Level Officers, on the request of such citizens.(vii)the District Superintendent of Police or the Police Commissioner, as the case may be, with the assistance of District Committee, with the help of the Assistant Director Welfare of Disabled and Senior Citizens, and District Public Relations Officer, shall cause wide publicity in the media and through the Police Stations, at regular intervals, the steps beings taken for the protection of life and property of senior citizens. List of Do's and Don'ts to be followed by senior citizens in the interest of their safety will be widely publicised.(viii)each Police Station shall maintain a separate register containing all important particulars relating to offences committed against senior citizens including the names of their children, relatives or legal heirs in such form as the State Government may, by order, specify.(ix)the register referred to in clause (viii) shall be kept available for inspection, to the members of Voluntary Committee, State Council and District Committee formed under rules 21(2)(iv), rule 22 and rule 23 respectively. Every Officer inspecting a Police Station shall invariably review the status as reflected in the register.(x)the Police Station shall send a monthly report of such crimes to the District Superintendent of Police or the Police Commissioner, as the case may be, by the 10th of every month.(xi)the District Superintendent of Police / Commissioner of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by 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.(xii)the District Magistrate shall cause the report to be placed before the District Level Coordination-cum-Monitoring Committee constituted under rule 23.(xiii)The Director General of Police shall cause the reports submitted under clause(xi)to be compiled, once in a quarter, and shall submit them to the State Government every quarter as well as every year for being placed before the State Council of Senior Citizens constituted under rule 22.Chapter - VII
State Council and District Committees of Senior Citizens

22. State Council of Senior Citizens.

(1)The State Government may, by order, establish a State Council of Senior Citizens to advise the State Government on effective implementation of the Act and to perform such other functions in relation to senior citizens as the State Government may specify.(2)The State Council shall consist of the following members, namely:-

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| <p>(i)(ii)(iii)(iv)(v) Minister for the State Government in charge of welfare of SeniorCitizensSecretaries toDepartments of the Government dealing with Disabilities, SeniorCitizens Welfare, Health, Home, Publicity, Pensions, and othersubjects of concern to the Senior CitizensSuch number ofspecialists and activists in the field of welfare of seniorgovernment may determine, to be nominatedby the State Government;Such number</p> | <p>Chairman,
Ex-officioMembers,
Ex-officioMembersMen
- Convenor</p> |
|---|---|

of eminent senior citizens, as the State Government may determine; Commissioner/Director in-charge of Senior Citizens Welfare in the State.

(3) The State Council shall meet at least once in six months. (4) Tenure of the members of the State Council, other than ex-officio members, rules of procedure of the Council and other ancillary matters shall be such as the State Government may, by order, specify.

23. District Committee of Senior Citizens.

(1) The State Government may, by order, establish a District Committee of Senior Citizens for each district to advise on 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 consist of the following members:

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	District Collector Superintendent of Police/ Police Commissioner District Medical & Health Officer District Coordinator Hospital Services Project Director, District Rural Development Agency Revenue Divisional Officers / Sub Collectors Three members from N.G.O.s / Specialists / Activists in the field of Welfare of Senior Citizens, of whom one should be woman. Three members from Eminent Senior Citizens of whom one should be woman. Assistant Director, Welfare of Disabled & Senior Citizens		Chairperson Member Member Secretary
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(3) The tenure of the non-official members shall be three years. (4) The District Committee shall meet once in every three months. (5) State Government may issue guidelines on the selection of non-official members of State Council of Senior Citizens and District Committee. Chapter - VIII Miscellaneous

24. Maintenance Officer.

- The Assistant Director, Welfare of Disabled and Senior Citizens of the district is designated as Maintenance Officer as provided in Section 18 (1) of the Act.

25. General.

- Commissioners/Director in charge of Senior Citizens shall facilitate on-line applications, disposal thereof, and monitoring etc. for which purpose the Annexures may be appropriately modified. Form - A (See Rule 4(1)) Application Under Rule 4(1) of The Andhra Pradesh Maintenance of Parents and

Senior Citizens Rules, 2011.

1. Details of the Parent/Senior Citizen:

(i)Name of the Parent/Senior Citizen :(ii)Name of the Father :(iii)Age :(iv)Sex :(v)Permanent Address :(vi)Present Address :(vii)Phone Number and mail ID if any :

2. Details of the Authorised Person/ Organisation, if the Parent/Senior Citizen is incapable.

(i)Name:(ii)Address:(iii)Phone Number and mail.ID if any

3. Details of Respondents.

Sl. No.	Respondent Name	Relationship with the applicant	Address	Telephone No. if any
(1)	(2)	(3)	(4)	(5)

4. Relief (s)/ Assistance sought.

5. Interim Order, if prayed for. - Pending final decision on the application, the applicant seeks issue of the following Interim Order (Give here the nature of the interim order requested for, with reasons).

6. Facts of the case. - (Give here a concise statement of facts in a chronological order, each paragraph containing as neatly as possible a separate issue, fact or otherwise).

7. Details of Index. - An index in duplicate, containing the details of the documents to be relied upon, is enclosed.

8. List of enclosures.

Declaration.I _____ (Name of the applicant)

S/o,D/o,W/o _____ age _____ resident

of _____ do hereby declare that the contents from paras 1 to 8 are true to the best of my personal knowledge and belief and that nothing material has been concealed and also declare that the subject matter of the order against which I seek redressal is within the Jurisdiction of the Tribunal. I further declare hereby that the matter regarding which this application has been made is not pending before any court of law or any other authority or has not been rejected by any court of law or other authority.

Place:

Date:

To

The Presiding Officer,

Form - B(See Rule 4(2)(b))AcknowledgementReceipt of the application filed under the Andhra Pradesh Maintenance of Parents and Senior Citizens Rules, 2011 by Sri/Smt _____ Address _____ is hereby acknowledged. The registration number of the application is _____.
(Authorised signatory)

Maintenance Tribunal

Form - C(See Rule 6 (1) and 9 (3))Notice To The Opposite PartyBefore the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20__ To, _____ Sir/Madam,An application has been filed by Mr/Mrs _____ Residing at _____ against you for not maintaining her/him/them and you are requested to appear before the Tribunal in person on _____ day of _____ at _____ am/pm at (venue) _____ and render your 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 of the Presiding Officer-----

- D(See Rule 6 (3))Notice To The Petitioner/applicantBefore the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20__ To _____ Sir/Madam,On application filed by you seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 from Sri/Smt _____ residing at _____, you are required to appear in person before the Tribunal on _____ day of _____ at _____ am/pm 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 OfficerForm - E(See Rule 10(2))Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20__ ToThe Conciliation Officer _____ Sir

/Madam,The Tribunal is herewith forwarding to your kind self the petition bearing No. _____ dated _____ received from Sri/Smt _____ residing at _____ seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and you are requested to arrive at a settlement which is acceptable to both 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 Form - F (See Rule 11) Memorandum of settlement Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20 _____

_____ Petitioner

Vs.

_____ Respondent/Respondents

To, The Presiding Officer, Tribunal for Maintenance of Parents and Senior Citizens, _____ Division, _____ District, Andhra Pradesh. Sir/Madam, The Hon'ble Tribunal had referred me the petition of Sri/Smt _____ residing at _____, bearing No _____ to arrive at a settlement of maintenance acceptable to both parties. It is arrived at a sum of L _____/- per month as maintenance payable to the Petitioner by the respondents. Details of respondent-wise amount payable per month as maintenance accepted by all are as hereunder:-

Sl.No.	Name of the Respondent	Maintenance amount payable per month
--------	------------------------	--------------------------------------

Or The Respondent/s has/have agreed to maintain his or her parent/parents/senior citizens needs so that the parent/parents/senior citizens may lead a normal life. The Maintenance includes provision for food, clothing, residence, medical attendance and treatment such as _____

Both parties have accepted the above settlement arrived at by me. Signature of the applicant. Signature of the Opposite Party/Respondent/s Conciliation Officer. Form - G (See Rule 11 (2)) Report of the Conciliation Officer Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20 _____

_____ Petitioner

Vs.

_____ Respondent/Respondents

To, The Presiding Officer, Tribunal for Maintenance of Parents and Senior Citizens, _____ Division, _____ District, Andhra Pradesh I have carefully considered the application and the records filed by Sri/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 heirs position of the property of the Parent/Senior Citizen and after his/her life time the legal heir would inherit the property. On scrutinising the available records, I have arrived at the reasonable amount of Maintenance as being L _____/- per month payable to Shri/Smt _____ the Parent/Parents/Senior Citizen by Sri/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))Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens O.P. No. _____ of 20__

_____ Petitioner

Vs.

_____ Respondent/Respondents

To, The Presiding Officer, Tribunal for Maintenance of Parents and Senior

Citizens _____ Division, _____ District. Andhra Pradesh. 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 15)Appellate Tribunal of Maintenance of parents and Senior Citizens Appeal Against O.P. No. _____ of 20__ (On the file of the _____ Tribunal _____ District)

_____ Petitioner

Vs.

_____ Respondent/Respondents

I. Appellant: Sri/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 dt _____ made in O.P. No. _____ of 2009 by the Hon'ble Tribunal on the following among others: Grounds 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.P. No. _____ of 20__ by the _____ Tribunal and thus render justice.

Station: Signature of Petitioner

Date: (Appellant)

Form - J(See Rule 16)AcknowledgementReceived an appeal of Parent / Senior Citizen Shri/Smt _____ Resident of _____

_____ against the impugned order of Maintenance Tribunal. Registration No. of the application is _____

_____ (Authorised signatory)

Appellate Tribunal

-----Form
- K(See Rule 17 (1)) Notice to Respondent Before Appellate Tribunal for Maintenance of parents and

Senior Citizens Appeal No. _____ of
 20____ To, _____ Sir/Madam, An appeal is
 preferred against the Orders passed in O.P. No. _____ of 20____ on the file of the
 _____ Tribunal, _____ District under Maintenance and Welfare of Parents
 and Senior Citizens Act, 2007 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 Authorised Signatory Appellate Tribunal Form - L (See Rule 17 (3)) Notice To The Appellant Before
 the Appellate Tribunal for Maintenance of parents and Senior Citizens Appeal No. _____
 of 20____ To, _____ Sir/Madam, On Appeal filed by
 you against the Orders passed in O.P. No. _____ of 20____ on the file of the
 _____ Tribunal _____ District under Maintenance and
 Welfare of Parents and Senior Citizens Act, 2007 by Sri/Smt _____
 residing, at _____
 you are required to appear in person or through a duly authorized representative before the
 Appellate Tribunal on _____ day of _____ at _____ am/pm 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 - M (See Rule
 19) Application form for grant of registration certificate for old age home

Name of the old age home
 applying for license :

Applying for _____ New/Renewal/Duplicate

If Renewal/Duplicate

Registration No. Purpose for _____ Date of Regn. issued Reasons for applying i.e., for
 which Registration was issued _____ issue of Renewal of certificate/grant of Duplicate (dd-mm-yyyy)
 certificate

Registered under _____ Societies registration act, 1860/complies Act,
 1953/Society registration act 1350F/Indian Trust
 Act/Other Act please specify

Year of Establishment PAN
 No.

FCRA No 80 G

Applicant Name and Address

Name of the Applicant	Mandal/Town/City	District Name	Select	Ward/Village	Select
Name	Address/Location	Land line Number	Select	Name	Select
				Email	
				ID	
				Mobile	
				Number	

Organization particulars

Name of the organization	District	Select
Mandal	Ward/Village	Select
Address/Location	Email	
Landline Number	ID	
	Mobile	
	Number	

Registered as	Society/Trust/Others	Specify if Other	
Nature of institution/facility/services being provided	Residential/ Non Residential / Others	Specify if Other	
If Residential	Regular Residential	Specify if Other	
	• Short Stay Home		
	• Drop-in shelters/Night Shelter		
	• Day care shelter		
	• Others		
	Vocational training/Educational Services/Online Counselling	Specify if Other	
If Non Residential	Services/Awareness Promotion/Others		
Facilities provided in the Institution			
Total Plinth Area (Sq.ft)		Plinth Area provided per inmate (Sq.ft)	
Compound wall	Yes/ No	Visitors Room & Reception	Yes/ No
Security staff	Yes/ No	Whether protocol for security / visitors is being followed	Yes/ No
Medical Facility	Yes/ No	If yes	Yes/ No
Open Ground	Yes/ No	Plinth area of the Open ground	
Games	Indoor games	Outdoor games	
Indoor Equipments		Outdoor equipments	
Whether age prescribed calorific diet being provided	Yes/ No	Sufficient drinking water	Yes/ No
Whether menu displayed	Yes/ No	kitchen	
No. of bathrooms available		No. of Toilets available	
Status of cleanliness of toilets	Good/ Average / Poor	Kitchen	Yes/ No
Plinth area of the kitchen		Hygiene of the kitchen	Good/ Average / Poor
Cleanliness of the cook	Good/ Average / Poor	Dining	Yes/ No
Counselling facility	Yes/ No	Warden/ Matron	Yes/ No
Recreation facility	Yes / No Nature of facility	Home committees of	Yes/ No

		inmates	
Maintenance of premises	Good/ Average / Poor	Vocational training	Yes/ No
Internet facility	Yes/ No	Web-site maintained	Yes/ No
If yes URL /Website address			
Other Particulars			
Types of meetings that institute holds		Are Institute accounts audited regularly	Yes / No
If Yes specify	Executive Body Meeting •Monthly / quarterly / Half yearly / Annually •Board Meeting •Committee Meeting •Review Meeting	Accounts audited up to	dd/mm/yy
Source of funds	Government of India	Ministry	Scheme
	State Government	Department	Scheme
	International donors/agency	Contribution by Name of	
	local philanthropists Others specify	donors/agency	
Particulars of Residents or Inmates			
Name of the persons			
Caste	SC/ST/BC/Muslim Minority/Others		
Status of inmates	Orphan/Semi Orphan/HIV infected & effected/Destitute Women/Widow/Others.		
Whether family background known	Yes/ No		
If yes, name of Child/Relative/Legal Heir Address of Child/Relative/Legal Heir If not known whether data entered in found & missing persons portal			
Yes/ No			
Age			
Marital Status	Married/Unmarried/Divorced/Widow		
Sex			
Educational Status			
Disabled/Ill	Yes/ No		
If disabled, ill, nature of disability/illness	MROH VH HI		
Whether he/she is undergoing any medical/specialist treatment	Yes/ No		
Nature of treatment			
Place of treatment			
Particulars of Governing Body/Management			

Name of the person

Designation

Occupation

Address

Phone No.

Photograph

Category of Staff

No. of paid staff	No. of Volunteer/Unpaid Staff
----------------------	----------------------------------

(Administrative/Paramedical
Staff/Security Staff/others)

Male

Female

Male Female

ADD

Save

Form - N(See Rule 4(2) (a))Register of Claim Cases to be maintained by the Tribunal

Sl. No	Date of receipt of the application	Registration No. of the Application	Nature of Claim	Name of the Parent/Senior Citizen with address, phone No. and mail id if any	Age	Name of the Authorised Person/ Organisation, if the Parent/ Senior Citizen is incapable to with address, phone no. and Mail ID if any.	Application filed against (names, addresses and relationship to parent/senior citizen of the Opposite Party)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Date of notice served to the Applicant	Date of notice served to the respondents	Date of Referral of case to Conciliation Officer	Date Receipt of Report from conciliation Officer	Dates of hearing	Date of granting of interim maintenance allowance and the amount granted	Date of granting the final maintenance Order and details	Details of Appeal before the Appellate Tribunal, if any	Date and Outcome of any other appeal, if any
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

Form - O(See Rule 16)Register of Appeals to be Maintained by the Appellate Tribunal

Sl. No.	Date of receipt of the appeal	Registration No of the Appeal	Nature of the Appeal	Name of the Parent/Senior Citizen with address, phone no. and Mail Id. If any.	Age	Name of the Authorised Person/ Organisation, if the Parent/ Senior Citizen is incapable: with address,	Application filed against (names, addresses and relationship to
---------	-------------------------------	-------------------------------	----------------------	--	-----	--	---

						phoneno.and Mail Id if any	parent/senior citizen of the Opposite Party)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Date of calling for the Record of proceedings from the Tribunal	Date of receipt of record of proceeding s from the Tribunal	Date of notice served To the Appellant	Date of notice served To the Respondents	Dates of hearing	Date and details Final Order of the Appellate Tribunal	Any other information	
(9)	(10)	(11)	(12)	(13)	(14)	(15)	