



Abstract

Social Welfare and Nutritious Meal Programme Department – Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 – Fixing of minimum standards in the old age homes run by Non-Governmental Organizations – Orders – Issued.

Social Welfare and Nutritious Meal Programme (SW 6(1)) Department

G.O. (Ms) No.16

Date: 09.02.2016

மன்மத, தை, 26

திருவள்ளூர்வராண்டு, 2047

Read:

1. The Order of High Court of Madras dated 11.01.2016 in W.P. No.22967/2015.
2. From the Commissioner of Social Welfare, Letter Roc. No. 24083/Grants-1/2016, dated 03.02.2016.

ORDER:

Thiru.S.Krishnamurthy(Senior Citizen) has filed a W.P.No.22967/2015 in the High Court of Madras and the prayer of the petitioner in the W.P.No.22967/2015 as follows:-

"Directing the respondents to frame regulation and appoint a regulatory authority to monitor the functioning of the senior citizen homes within a time frame as may be stipulated by the Hon'ble Court."

2. In the order first read above, the following order has been passed by the High Court of Madras:-

- "1. No instructions are forthcoming. The Joint Secretary of the concerned Ministries to remain personally present in Court on the next date of hearing to answer the query which has been posed by this Court on 21.09.2015.**
- 2. The petitioner appearing in person states that atleast for the ongoing projects in Tamil Nadu, the State Government should take action. We do believe that both the State and the**

Central Governments should endeavour to ameliorate the problem of the senior citizens and if the State Government is concerned about these citizens, we would expect something to be stated before us by the next date.

3. List on 15.02.2016."

3. In the letter second read above, the Commissioner of Social Welfare has sent a proposal on the minimum standards to be maintained in old age homes run by the Non-Governmental Organization for the implementation of the norms for effective monitoring of old age homes for the Welfare of Senior Citizens.

4. The Government, after careful consideration, approve fixing of minimum standards/essential standards to be maintained in old age homes run by Non-Governmental Organization as indicated in the annexure to this order for implementation with immediate effect.

(By order of the Governor)

P.Sivasankaran,
Principal Secretary to Government.

To
The Commissioner of Social Welfare, Chennai-32.
All District Social Welfare Officer, through the Commissioner of Social Welfare,
Chennai-32.
Stock file/Spare Copies

//Forwarded by order//

P. Koma. C.
Section Officer.
P.S.
09/02/2016

Annexure

Fixing of Minimum standards/Essential standards in Old Age Home

Old age homes will be classified as Rural and Urban, Commercial (paid /private) and not for profit old age homes run by NGOs. This also includes retirement living solutions which fall under 3 broad categories, outright buys, leased homes, and rental homes for elderly which are purely commercial models.

Minimum standards /essential standards for Old Age Homes given below are applicable to all old age homes in an attempt to make the old age homes senior friendly. Periodic assessment of the standards will be based on the changing needs of the elderly and Each district administration will conduct a survey once in a year to build the data base on the existing old age homes, classify and prepare a note on the type of services provided to the senior citizens.

Commercial old age homes/free homes (NGO run old age homes)– norms to be followed

For Old Age homes categorized as commercial, pricing structure should not be statutorily controlled or prescribed. Prices should be determined by open market conditions by the concerned Old Age Homes.

- 1.Upto date information of all the Old Age Home should be available in an accessible format, to assist in their decision making regarding choice of old age homes.
- 2.Each inmate should have the right to consultation and participation to the extent practical in the organisation of the residential care setting and his /her life within it and must be reflected in the functioning of the home.
- 3.Each inmates consent should be obtained with regard to medical care, treatment and it must be in accordance with the law.
- 4.Each inmates right to dignity and privacy should be respected.
- 5.Each old age home should be secular and respect the faith and religious sentiments of the residents.

6. The complaints of each resident his /her family, advocate or representative and visitors are heard to and acted upon and ensure that an effective redressal procedure. Each establishment or group of institutions should collectively act to provide for neutral third party intervention for grievance redressal. An in-house mechanism to resolve day today issues/complaints to be established.

7. Each resident should be given written contract/statement of terms and conditions with the registered provider of the residential care setting. Old Age homes is compulsory Registration of all. A written contract is compulsory.

8. Each residents/deposits are safeguarded and not exposed to or subjected to risks of any nature. The deposits of the inmates of the home.

9. His/her Care should be taken to see that he or she does not suffer unnecessarily from illness caused by the excessive, inappropriate or inadequate consumption of medicines.

10. Each Old Age Home should ensure that the inmates should continue to receive care till the end of his/her life. Further, they have the right to lead a life style that is consistent with his/her previous routines, expectations and preferences and satisfies his/her social, cultural, language, religious and recreational interests and needs.

As per section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act "Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under influence and shall at the option of the transferor be declared void by the Tribunal.

As per section 23 (2) of the Act "Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right."

I.Physical aspects:	
1.	The Old Age Home should be located in a reasonably quiet and residential locality without any sound disturbances to the elderly .The home should be well protected with barbed wire fence.
2.	Name of the Home with complete address and supported by which scheme should be displayed prominently. It should clearly state whether it is a paid / govt aided / charity run home.
3.	Space Requirement: As per Rule (16) of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rule 2009
	<p>The Old age home shall, as far as possible, have minimum area per Inmate as per the following norms.</p> <ol style="list-style-type: none"> 1. Area of bedroom/dormitory per inmate - 7.5 s.q.meters (Separate dormitory for Male & Female. 2. Living area or carpet area per inmate i.e. including 1 above plus ancillary areas like kitchen, dining hall, recreation room, medical room etc., but excluding veranda, corridor, etc., = 12 s.q.meters. <p>Separate rooms/dormitories for males and females.</p> <p>There should be no open wells in the campus. Open wells if any should be kept closed.</p> <p>The dormitories should compulsorily be in the ground floor.</p>
4.	The Old Age Home should be properly ventilated, with concrete roofing well maintained, spacious as per the norms .The floors should have carpets or wooden flooring to cover slippery surfaces.
5.	Safe Drinking Water and water enough for other purposes to be provided. Hot water may be provided depending on individual needs for drinking and washing purposed. RO water is suggested.
6.	<p>There should be separate space/room for the following</p> <ul style="list-style-type: none"> ➤ Sick persons – 200 sqft with attached western toilet & bathroom ➤ Recreation - Multipurpose hall 400 sq feet for prayer as well ➤ Prayer ➤ Kitchen with attached store room ➤ Storage of Medicines and Health check up – separate room ➤ Visitors Room ➤ Reception /office room ➤ Dining Room - tables and benches/chairs ➤ Toilets and Bathrooms 1 per 5 persons – should be elder friendly with holders ramps / where ever needed ➤ All rooms should be well lighted

7.	Bedding facilities <ul style="list-style-type: none"> ➤ Mattresses, Linens, Blankets, Pillows, towels, handkerchiefs to be provided to each inmate every year ➤ cot with side railings , one storage rack to be provided for each resident ➤ Washing facilities for the above to be ensured regularly – washing machine may be used
8.	Medical facilities <ul style="list-style-type: none"> ➤ First aid box (Dressing Material, Beta dine Solutions, Cotton, Gauze) ➤ Thermometer ➤ BP apparatus ➤ Weighing machine ➤ Stethoscope ➤ Glucometer ➤ Nebulizer ➤ Saline Stand ➤ Wheelchairs ➤ Cameras should be installed in all rooms in the homes
9.	<p>There should be sufficient number of cooking vessels and food serving dishes and Adequate plates, tumbler's, mugs for usage.</p> <p>Other Facilities:</p> <ul style="list-style-type: none"> ➤ Emergency Lamps ➤ Fans/Walkers ➤ Television/Radio ➤ Telephone ➤ Refrigerator ➤ Cooking and heating arrangement ➤ Washing machine / Make use of Dhobi for washing Bedsheets / Bedcovers ➤ UPS, geysers for hot water for bathing, storage cupboards <p>Further as regards disabled older persons the institution should have toilet facilities with reference to Disabilities Act.</p> <p>Special buzzers should be fixed for terminally ill patients and immovable inmates so that they can call for help</p> <p>Care givers should accompany elders to hospital. Arrangements should be made to get necessary medical help in emergency situations.</p>
II. Admission criteria: (Older persons in the age group of 60 years and above)	
1.	Destitute Older Persons
2.	Deserted Older Persons (elders couple should be accommodated in a single home wherever possible)
3.	Abandoned Older Persons
4.	Admission should be opened for all caste, creed, colour and disability
III. Services	
	<p>The under mentioned services should be provided at the old age home.</p> <ul style="list-style-type: none"> ➤ Food: Three meals (breakfast, lunch and dinner) and two tea/coffee & snacks should be provided at the home. ➤ Medical: The Medical Officer should visit the home weekly – Nurse and counsellor, cook and helpers should be in house staff.

	<ul style="list-style-type: none"> ➤ Recreational: Recreational facilities such as books, magazines and newspapers, (national dailies as well as newspapers in Local language) indoor games, radio/transistor, Television etc.(minimum of 35 inches) should be available in dormitory. ➤ Activities should be designed for get together and interaction between inmates. NSS volunteers from schools and colleges from locality can be asked to organise such activities. The children of inmates must also be involved in such community activities. ➤ The residents of OAH should be allowed to draw Govt. pension. They should be helped to obtain maintenance through senior citizen act. ➤ Productive activities: The inmates should be usefully involved in various productive activities like gardening, envelope making, garland making, basket making. ➤ Hobbies: The inmates should be encouraged to pursue their hobbies like reading, writing, playing indoor/outdoor games, singing etc., ➤ Meditation/Prayers: The inmates should be regularly engaged in meditation and prayers in the morning and evening. ➤ Outing: The inmates should be taken out on local outing like temple, fairs, plays and places of tourist interests at least once in 3 months. ➤ Physical: The inmates should be involved in light physical exercise like yoga etc., under proper supervision. Games should be played in the evening Singing songs (Devotional) and other past time activities may be designed depending on the age category and health status of the inmates.
IV	Visitors Meeting with the guardian/relative should be encouraged once a week.
V	Minimum facilities for Older Person Clothing: Four sets of clothing in a year /two bedsheet / Pillow covers. Toiletries: Sufficient hot water, coconut oil, adequate toilet soaps, tooth brush, tooth paste
VI	Health and Medical care: <ul style="list-style-type: none"> ➤ Brief medical case history of the residents should be maintained. It should consists of photo, age, height, weight. blood group, allergies and ailments suffered by the older persons and medicines taken ➤ Regular Doctor visit to be ensured ➤ Regular Medical check-up should be done. Regular haircut and shave should be given to the inmates and they should be sporting a clean look and be healthy.
VII	Staff: As per IPOP guidelines <ol style="list-style-type: none"> 1. Trained and experienced Care givers/ supervisors /Warden should be appointed 2. Care givers/Supervisors/Helpers/Wardens should have undergone training on Geriatric Care. They should be well qualified as Elders care givers 3. The following staff should be appointed for maintaining 25 older persons <ul style="list-style-type: none"> ➤ Superintendent / Warden/Manager1 ➤ Social Worker/Counsellor 1 in house

	<ul style="list-style-type: none"> ➤ Cook 1 ➤ Asst. Cook 1 ➤ Helper/Care taker 1 in house ➤ Nurse 1 in house ➤ Sweeper ➤ Watchman <p>Visiting authority: Doctor & Physiotherapist</p>
VIII	<p>Food:</p> <ol style="list-style-type: none"> 1. Adequate and appropriate food should be given food should be low in calories, Less fat. Nutritious and wholesome Food should not be denied at any cost to any inmate for any reason. 2. Daily menu chart should be exhibited in the Kitchen, dining hall and in the office room stating the time for breakfast, lunch, snacks in the evening tea/coffee and dinner. 3. Quantity served should be sufficient and easily digestible. 4. Quality of food should be ensured and satisfy the standard of dietetics, health and hygiene. 5. Food should be served in hygienic environment and with care. Elders should be made to eat in groups
IX	<p>Management of Governance:</p> <ol style="list-style-type: none"> a) Every institution should have one managing committee. b) The Managing Committee and Sub-committee should meet regularly - monthly once to discuss about the improvements of the home and standards. c) In the case of paid homes the residents can be allowed to form associations and also be represented in the Home Managing Committee. d) One person should be designated for the day to day supervision and the person should be legally responsible and accountable person. e) Separate dormitory should be maintained for male/female f) No person should be ill treated in the home Elder abuse is strictly punishable and home notified as being non friendly and non elderly will be subject to closure. Elders should not be asked to work for gain for the owners /secretary of free old age home. Elders should not be taken outside for work outside home g) It is the responsibility of the management to provide required basic amenities and training to the staff. h) It is the responsibility of the management to take care of the last rites of Senior Citizen. Senior citizens who are sent out of homes should be given a proper discharge summary duly signed by the secretary, and the next care giver.
X	<p>Maintenance of the Homes:</p> <p>The institution should arrange for</p> <ol style="list-style-type: none"> a) Proper cleaning of toilets, dormitories, wash basin and entire premises, Bathrooms should not be slippery, railing facility should be provided. b) Arrangements should also be made for washing of older person's clothes c) Proper system of garbage disposals, Disinfectant should be made d) Regular white washing and painting should be undertaken

	<ul style="list-style-type: none"> e) Safety of the building should be ensured and all the electrical lines should be covered, there should be proper lightening at night time. f) The drainage and wells, man/holes should be covered properly g) Fire extinguishers should be installed. h) Care should be taken to see that the drinking water and drainage water should not get mixed and proper vigil should be ensured, to avoid cholera, Diarrhoea etc., due to water contamination. i) Residents should be encouraged to participate in the day-to-day activities which may be anything from cooking to maintain the cleanliness of the home. j) Periodically organise celebrations of various festivals and social events.
XI	<p>Records:</p> <ol style="list-style-type: none"> 1. Admission Register (A photo of the older person should be pasted in the register) 2. Brief history of inmates (indicating personal details of the inmates, their age, sex, educational qualifications, previous address, occupation, work experience, hobbies, income, details of the family members, relatives and friends and their addresses and contact numbers. It should also indicate in brief the reasons and circumstances leading to their admission in the home) 3. Visit/Inspection Register 4. Doctor visit Register 5. Donations received Register (Separate Register for cash/kind) 6. Register of assets (details of the physical assets, their number, date of procurement, replacement etc. 7. Medicine stock register (including details of the equipments Medicines, purchases, number, date of purchases etc.,) date of purchase/date of expiry) 8. Ration and vegetable stock register (including details of the stock purchased, quantity, issued balance etc., 9. Inmates movement register 10. Register for those who return back home 11. Staff attendance register 12. Staff honorarium register (indication monthly remuneration paid to the staff with stamped receipt) 13. Bank pass book (for the money received from grants-in-aid) 14. Cash/ledger book (indicating details of income, expenditure, daily cash in hand etc.,)

15. Network directory (indicating addresses and contact number of project in charge, medical officer, hospital, district headquarters etc.,)
16. Personal belongings and other valuable at the time of admission of the older persons.
17. Visitors register Death records and register
18. Disaster / hazard Management plan book with details of responsibility for each staff.

As per Rule 20, the District Collector, Chairman of District Committee of Senior Citizens, shall perform the duties and exercise the powers mentioned in sub rule (2) and (3) to ensure that the life and property of senior citizens of the district are protected and they are able to live with security and dignity, oversee and monitor the work of Maintenance Tribunals and Maintenance officers of the district to ensure timely and fair disposal of applications for maintenance and execution of Tribunals orders. To oversee and monitor the working of old age homes in the district so as to ensure that they conform to the standards laid in the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009 and to follow the minimum standards and guidelines and other orders laid down by the government.

As per rule 21 the District Superintendent of Police and in the case of cities having a Police Commissioner, shall take all necessary steps subject to such guidelines as the government may issue from time to time for the protection of life and property of senior citizens.

In Form A, under the application as per Rule 3 of The Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 senior citizens may apply to a tribunal for counselling, food/maintenance, medical facilities, shelter, legal aid, police assistance, maintenance, and assistance for initiating criminal proceeding.

REGISTRATION OF OLD AGE HOMES is compulsory

As per Rule 12(2) The District Social Welfare Officer shall powers to inspect Old Age Homes maintained by individuals/a group of individuals/voluntary organisations / institutions /Charitable trusts/statutory bodies etc., and collect data from any of the above institutions running Old Age Homes.

As per rule 12(3) any voluntary organisation /institution/individuals/a group of individuals/Charitable trusts/statutory bodies running Old Age Home shall register with District Social Welfare Office of each district.

Documents to be submitted to register old age homes with District Social Welfare Office.

1. Building Stability- of Ownership or rental buildings from chartered PWD Engineer.
2. Fire safety certificate to be obtained from Fire service department.
3. Sanitation certificate to be obtained for Deputy Director, Health Department.
4. Building license from Tashildar.
5. Registration of Trust/Society & Renewal for current year.
6. Bye-laws, aims & objectives resolutions.
7. Staff details with qualifications, salary given and photo
8. Residents photos
9. 3 years audit statement
10. 3 years annual report
11. Nutrition chart
12. DSWO Inspection report
13. District Collector's recommendation for License / Registration of the Old Age Home.

Regulating authority

As per rule 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009, the regulating authority in each district will be the District Committee of Senior Citizens and has been established in each district. As per the Rule 23 (2) the above said District Committee shall consist of the following members:

1.	District Collector	Chairman
2	District Superintendent of Police	Member
3	Deputy Director (Health)	Member
4.	Revenue Divisional Officer	Member
5.	District Social Welfare Officer	Member Secretary
6.	Organisation Ageing field (2 persons)	Member
7.	Prominent Senior Citizens (2 persons)	Member

The Non-Official members shall be nominated by the District Collector concerned.

The tenure of the Non-Official members of the District Committee shall be three years

The District Committee should meet once in every 3months

The above said District Committee shall be assigned with the following duties and responsibilities:

1. The District Committee shall perform the role of inspecting all the programme and activities deemed necessary for the effective implementation of the Act.
2. Review the cases dealt by the maintenance officer appointed as per the Act.
3. To review the status of applications their timely disposal and timely assistance provided on the maintenance order.
4. Monitor the functions of the Tribunal and advice for the effective implementation of the Act.
5. Network and coordinate with voluntary and civil society organisations working in the field of the welfare of senior citizens
6. Organize quarterly meeting with all stakeholders at district level to review the implementation of the act.
7. Network and co-ordinate with all government departments to build intersectoral Linkages on the issues related with the protection of life and property /finances of senior citizens.(Rule 20 and 21)

8. Conduct activities and programmes essential for periodic sensitization of the public, government officials, and NGOs on the salient features of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009

9. Review the functioning of old age homes in the district and ensure that they confirm to the norms given in the Minimum standards / Essential standards

10. The District Committee have the right to cancel the license/registration of old age homes which do not follow the minimum standards and on shifting the inmates to other eligible registered homes have to initiate closure of above such homes

11. The district committee should review the calls attended via 1253 helpline and follow up action taken to address the needs of distressed senior citizens

12. The district committee should build the data base on senior citizen homes/age care services in their respective district and it should be updated periodically

As per section 27 of the Act No Civil Court shall have jurisdiction in respect of any matter to which any provisions of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

As per section 28 of the Act No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made there under.

Any violation of the above rules by an individual/group of individuals/voluntary organisation running old age homes is punishable under section 23 of the Senior Citizens Act.

As per Section 11(2) of the Act an order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure 1973 and shall be executed in the manner prescribed for the execution of such order by that code.

P. Sivasankaran,
Principal Secretary to Government.

//TRUE COPY//

P. K. Rama C.
Section Officer.

8.1.5
09/02/2016