

**GOVERNMENT OF MEGHALAYA
DIRECTORATE OF SOCIAL WELFARE
MEGHALAYA SHILLONG**

NOTIFICATION

Dated Shillong, the 26th, May, 2011

No.SW(S) _____ In exercise of powers conferred by Section 32 of the maintenance and welfare of parents and senior citizens act 2007 (Central Act No.56 of 2007) the State Government do hereby makes the following Rules namely.

1. **Short Title Commencement** (i) These Rules may be called the maintenance and welfare of parents and senior citizens Rules 2008.

(ii) It shall come into force from the date of their publication in the official gazette.
2. **Definition** : In these Rules, unless the context otherwise requires:-
 - (a) Act means the maintenance and welfare of parents and senior citizens act 2007 (No.56 of 2007)
 - (b) State Government means the Govt. of Meghalaya.
 - (c) District Magistrate and collector includes additional District Magistrate of the District.
 - (d) Sub Divisional Magistrate includes others Sub Divisional Magistrate of Sub Division.
 - (e) Department means Social Welfare Department Govt. of Meghalaya.
3. **Constitution of Maintenance Tribunal** – (i) The State Government shall by notification in the official gazette constitution for each sub-division one or more. Tribunal specifying the area of jurisdiction of the Tribunal or Tribunal as the case may be, for the purpose of exercising the powers and responsibilities under the act and every such Tribunal or Tribunal shall take effect from the date of its notification.
4. Summary procedure in case of inquiry and jurisdiction of the Tribunal.
 - (i) An application for maintenance under Sub section (I) of Section 5 may be filed against one or more persons in form – I :

Provided that such children or relative may implead the other person liable to maintain the parent on the senior citizen in the application for maintenance.
 - (2) The proceedings under Section 5 shall be taken against children or relative in any district against children or relative in any District.

- (iii) Where he/she resides or last resided or
- (iv) Where children or relative(s) reside –

(3) Where the children or relative is residing out of India the summons shall be served by the Tribunal through Authority as the Central Government may by notification to official gazette specify in this behalf.

(4) The Tribunal after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for determining the amount of maintenance.

(5) The Tribunal may for the purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the enquiry to assist it in holding the inquiry.

(6) The Tribunal before hearing and application under section 5 may refer the same to a conciliation officer and such conciliation officer shall submit his findings within one month and if amicable settlement has been avoided at, the Tribunal shall pass an order to that effect.

Explanation : Conciliation officer means any person or representative of an organisation referred to in explanation to Sub –Section (i) of section 5 on the maintenance Officers designated by the State Officers under Sub Section (I) of Section 18 or any other person nominated by the Tribunal for this purpose.

(7) The State Government shall designate the District Social Welfare Officer or any other officer of the equivalent ranks as maintenance officer.

(8) All evidence to such proceeding shall be taken in presence of the children or relative against whom an order for payment of maintenance is proposed to be made and shall be recorded in the manner prescribed for summons case provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is willfully avoiding service or willfully neglecting to attend the Tribunal, Tribunal may proceed to hear and determine the case Exparte.

(9) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such Senior citizen including parent and to pay the same to such Senior Citizen including parent as the tribunal may from time to time direct.

(10) An application filed under sub –section (2) of Section 5 shall be disposed of with ninety days from the date of the service of notice of the application to such persons.

Provided that the Tribunal may extend the said period once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

(11) Where a maintenance order was made against more than one person, the death of one of them – does not affect the liability of others to continue paying maintenance.

(12) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or if so ordered from the date of the application for maintenance or expenses of proceeding as ordered.

(13) If children or relative so ordered fail without sufficient cause to comply with the order any such Tribunal shall for every breach of order, issue a warrant for levying the amount due in the manner provided for levying fine and may sentence such persons for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding as the case may be, remaining unpaid after the execution of the warrant, to imprisonment which may extend to one month or until payment is made whichever is earlier.

Provided that no warrant shall be issued for the recovery of any amount due under section 5 unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

5. **Establishment of Old Age Homes :**

- a) The State Govt. shall establish and maintain Old Age Homes at accessible places as it may deem necessary to accommodate Senior Citizens.
- b) Minimum standard of services will be developed and facilities for Training and Orientation of persons employed to be provided.
- c) Services such as Day Care Centres, Multi – Service – Citizens – Centre, Reach Out Services and friendly home visits, social interaction and other recreational activities will be organized.

6. **Provisions for Medical Care of Senior Citizens :**

The State Govt. shall ensure that

- i) The Govt. hospitals or hospitals fully funded as partially by the Govt. shall provide beds for all senior citizens as far as possible.
- ii) Separate queues be arranged for senior citizens.
- iii) Facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens.
- iv) Research activities for chronic elderly diseases and ageing is expanded.
- v) There are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

7. **Protection of Life and Property of Senior Citizen :**

The State Govt. shall take all measures to ensure that

- i) The provisions of this Act, are given wide publicity through public media including the television, radio and the print at regular intervals.
- ii) The Central Govt. and State Govt. Offices including the Police Offices and the members of the judicial services are given periodic sensitization and awareness training on the issues relating to the Act.
- iii) Effective coordination between the services provided by the concerned. Ministers or Departments dealing with law, home affairs, health and welfare to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.

8. **Authorities for implementing the Act :** a) The State Govt. may, confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercises 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.

- b) The State Govt. shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

9. No suit, prosecution or other legal proceeding shall lie against the Central Govt. the State Govt. or the local authority or any officer of the Govt. 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.

**Commissioner & Secretary
to the Govt. of Meghalaya
Social Welfare Department**

Memo No.

Dated Shillong, the

, 2011

Copy to :-

- 1) The Private Secretary to the Chief Minister for information of Chief Minister.
- 2) The Private Secretary to the Minister of Social Welfare for information of Minister.
- 3) The Private Secretary to the Chief Secretary for information of Chief Secretary.
- 4) The Commissioner & Secretary Govt. of Meghalaya, Health Department for information.
- 5) The Secretary to the Govt. of Meghalaya, Law Department for information.
- 6) All Deputy Commissioner/SDOs (Civil) for information & necessary action.

**Secretary to the Govt. of Meghalaya
Social Welfare Department**