

Questionnaire for household survey

1. (a) District (b) Block (c) Village (d) Town
2. (a) Name of the Elderly respondent
 (b) Date of birth (c) Religion (d) Age (e) Sex
 (f) Caste (SC/ST/OBC/Others) (g) Educational Level
 (h) Whether the respondent is BPL Card holder ?
3. Whether the respondent is head of the household ? Yes / No
4. Demographic profile of the household.

Sl. No.	Name of the members of the HH	Sex	Age	MS	Occupation	Educational

* Educational level : 0-Illiterate, 1-Below matriculate,

2- below graduate, 3- Graduate and above.

5. Total HH Income per month Rs.

6. Living conditions of the Elderly respondent.

(a) Type of house : Pucca / Semi-pucca / Kuccha.

(b) Is there any separate room for the respondent Yes / No

(c) Source of drinking water –

(i) Community well (ii) Private well (iii) Tube well

(iv) Road side pipe water (v) Running water facility within HH

(vi) Others (Specify)

- (d) Sanitation –
- (i) Latrine within H.H. premises, Yes / No
 - (ii) Type of latrine they use (sanitary / Non sanitary)
 - (iii) Bathroom within HH premises, Yes / No (Specify type : attached / far from living room)
- (e) Cooking fuel : Gas / solar / kerosene / Firewood / others (specify).
- (f) Lighting fuel : Electricity / kerosene / solar / Others.
- (g) Whether the house is rented ? Yes / No If no, who owns the house ?
7. With whom do you live in this house now ?
- (i) Spouse, (ii) with spouse, children and grand children
 - (iii) With children and grand children, (iv) with other relatives
 - (v) living alone
8. Do you get sufficient care and support from your family members ?
- (Yes / No),
- (a) If yes, what kind of support do you get ?
- (i) Financial, (ii) Emotional,
 - (iii) Physical support at the time of illness, (iv) Others
- (b) If no, specify the reasons.
9. Are you aware of old age home ? (Yes / No)
10. Are you willing to join in the old-age home ? (Yes/No).
11. Are you engaged in any work now for which you are drawing an income?
- (Yes/No)
12. If yes, what type of works ?
- (a) Agriculture related works ? (b) Works in shops and others, (c) casual work,
 - (d) Daily labour, (e) govt. work (f) others (specify).
13. If No, what is your means of subsistence ?
- (a) Income from own current work.
 - (b) Income from past work (savings), pension etc.

- (c) Supported by children etc.
 - (d) Supported by other relatives.
 - (e) Supported by others including charitable organizations.
 - (f) Others (Specify)
14. Are you financially in-dependent? (Yes/No)
 15. Do you spend according to your own wish ? (Yes/No)
 16. Do you contribute your money for household expenses ? (Yes/No)
 17. Who makes final decision regarding major issues like buying or selling property, marriage of children etc. in your house ?
 18. Do the family members consult you about any thing ? (Yes/No)
 19. What is the monthly per capita consumption expenditure of your family ?
 20. Do you have a bank account in your name ? (Yes/No)
 21. Do you have any savings for an emergency purpose ? (Yes/No)
 22. Do you get any pension or any other regular cash income ?
 - (a) If yes, how much per month ?
 - (b) Is the amount of pension enough ?
 23. Are you aware of any govt. scheme for the elderly ?
 - (a) N O A P, (b) Annapurna, (c) Others
 24. (a) Are you eligible to get it ? Yes/No
 - (b) Do you get it ? Yes / No
 25. How is your health ? Very healthy / fairly all right / un healthy.
 26. a) Do you have any problem with the following illness ?
 - (i) Physical Ailments : Indigestion / urinary trouble / Blood Pressure / Rheumatics / Asthma / Heart trouble/ Any other.
 - (ii) Physical Disabilities : Impaired eye-sight / Blindness/ Diabetic / Hard of hearing / Paralytic / Forgetful.
 - (iii) Physical difficulties : Climbing stairs / walking uphill / Daily activity / Doing Manual work / others.

- (b) Have you been hospitalized in last 1 year.
- (c) How much money do you spend monthly for your medical treatment ?
27. Who looks after you if you are ill ? (Self / husband/wife/children/others)
28. Who pays for your treatment ? (Self/spouse/co-resident/children staying apart/ children/others)
29. Extent of participation in HH activities.
- (Always/Sometimes/occasionally/Never)
30. What are the nature of HH works done by you ?
- a) Activities related to kitchen
 - b) Cleaning activities
 - c) Childcare activities.
 - d) Social activities and leisure.
 - e) Gardening
 - f) Others

Questionnaire for survey of Old Age Homes

A. About Old Age Home

1. Name and year of establishment of the old age home.
2. Type of management and source of fund.
3. Capacity and inmates at present.
4. Target group.
5. Objective and intake policy.
6. Location and infrastructure.
7. Facilities available.
8. Expenses and supporting staff.

Questionnaire for survey of Old Age Homes

B. Information about the inmates

1. Name
2. Age
3. Sex
4. Literate /illiterate
5. Date of Joining the old age home
6. Reasons for joining the old age home

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

No. 56 of 2007
29th December, 2007

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eight Year of the Republic of India as follows :

CHAPTER I : Preliminary

1. Short title, extent and commencement

1. This Act may be called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
2. It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India.
3. It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :

In this Act, unless the context otherwise requires-

- a. "Children" includes son, daughter, grandson and grand-daughter but does not include a minor.
- b. "Maintenance" includes provision for food, clothing, residence and medical attendance and treatment.
- c. "Minor" means a person who, under the provisions of the Majority Act, 1875 is deemed not to have attained the age of majority.
- d. "Parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen.
- e. "Prescribed" means prescribed by rules made by the State Government under this Act.
- f. "Property" means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property.
- g. "Relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death.
- h. "Senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above.
- i. "State Government", in relation to a Union territory, means the administrator thereof appointed under article 239 of the constitution.
- j. "Tribunal" means the maintenance Tribunal constituted under section 7.
- k. 'Welfare' means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

3. Act to have overriding effect :

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

Chapter II : maintenance of parents and senior citizens

4. Maintenance of Parents and Senior Citizens :

1. A senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 in case of-
 - i. parent or grand-parent, against one or more of his children not being a minor.
 - ii. childless senior citizen, against such of his relative referred to in clause. (g) of section 2.
2. The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.
3. The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.
4. Any person being a relative of a senior citizen having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen :
Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

5. Application for maintenance :

1. An application for maintenance under section 4, may be made-
 - a. by a senior citizen or a parent, as the case may be; or
 - b. if he is incapable, by any other person or organisation authorised by him; or
 - c. the Tribunal may take cognizance suo motto.

Explanation :

- For the purposes of this section "organisation" means any voluntary association registered under the Societies Registration Act, 1860, or any other law for the time being in force.
2. 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.
 3. On receipt of an application for maintenance under sub-section (1), 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.
 4. An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of 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 thirty days in exceptional circumstances for reasons to be recorded in writing.
 5. An application for maintenance under sub-section (1) may be filed against one or more persons:

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Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.

6. 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.
7. 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 the case may be.
8. If, children or relative so ordered fall, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person 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 for a term which may extend to one month or until payment if sooner made whichever is earlier :

Provided that no warrant shall be issued for the recovery of any amount due under this section 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.

6. Jurisdiction and Procedure :

1. The proceedings under section 5 may be taken against any children or relative in any district--
 - a. Where he resides or last resided ,or
 - b. Where children or relative resides.
2. On receipt of the application under section 5, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is field.
3. For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided the Code of Criminal procedure, 1973.
4. All evidence to such proceedings shall be taken in the 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 cases

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, the Tribunal may proceed to hear and determine the case ex parte.

5. Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the official Gazette, specify in this behalf.
6. The Tribunal before hearing an application under section 5 may, refer the same to a Condition Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation :

For the purposes of this sub-section "Conciliation Officer" means any person or representative of an organisation referred to in Explanation to sub-section (1) of section 5 or the Maintenance Officers designated by the State Government under subsection (1) of section 18 or any other person nominated by the Tribunal for this purpose.

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7. Constitution of Maintenance Tribunal :

1. The State Government shall within a period of six months from the date of the commencement of this Act., by notification in the Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.
2. The Tribunal shall be presided over by an officer not below the rank of Sub-Divisional Officer of a State.
3. Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

8. Summary procedure in case of inquiry :

1. In holding any inquiry under section 5, the Tribunal may, subject to any rules that may be prescribed by the State Government in this behalf, follow such summary procedure as it deems fit.
2. 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 purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
3. Subject to any rule that may be made in this behalf, 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 inquiry to assist it in holding the inquiry.

9. Order for maintenance :

1. If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.
2. The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.

10. Alteration in allowance :

1. On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under section 9, for the maintenance ordered under that section to pay a monthly allowance for the maintenance, the Tribunal may make such alteration, as it thinks fit, in the allowance for the maintenance.
2. Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 9 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.

11. Enforcement of order of maintenance :

1. A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the

- parties and the non-payment of the allowance, or as the case may be, expenses, due.
2. A. maintenance order made under this Act shall have the same force and effect as an order passed under Chapter I x of the Code of Criminal Procedure, 1973 and shall be executed in the manner prescribed for the execution order by that Code.
- 12. Option regarding maintenance in certain cases :**
Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure, 1973, where a senior citizen or a parent is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.
- 13. Deposit of maintenance amount :**
When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.
- 14. Award of interest where any claim is allowed:**
Where any Tribunal makes an order for maintenance made under this Act, such Tribunal may direct that in addition to the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent, and not more than eighteen per cent .
Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent and such parent shall be entitled to file an application for maintenance before the Tribunal.
- 15. Constitution of Appellate Tribunal :**
- i. The State Government may, by notification in the Official Gazette, constitute one Appellate Tribunal for each district to hear the appeal against the order of the Tribunal.
 - ii. The Appellate Tribunal shall be presided over by an officer not below the rank of District Magistrate.
- 16. Appeals :**
1. Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal :
Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal :
Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.
 2. On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.
 3. The Appellate Tribunal may call for the record of proceeding from the Tribunal against whose order the appeal is preferred.
 4. The Appellate Tribunal may, after examining the appeal and the records called

- for either allow or reject the appeal.
5. The Appellate Tribunal shall, adjudicate and decide upon the appeal tiled against the order of the Tribunal and the order of the Appellate Tribunal shall be final :
Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.
 1. The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.
 2. A copy of every order made under sub-section (3) shall be sent to both the parties free of cost.
- 17. Right to legal representation :**
Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.
- 18. Maintenance Officer :**
1. The State Government shall designate the District Social Welfare Officer or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.
 2. The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

CHAPTER III: ESTABLISHMENT OF OLD AGE HOMES

- 19. Establishment of oldage homes**
1. The State Government may establish and maintain such number of oldage homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.
 2. The State Government may, prescribe a scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

Explanation :

for the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself.

CHAPTER IV : PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZEN

- 20. Medical support for senior citizens**
The State Government shall ensure that-
1. The Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible.
 2. Separate queues be arranged for senior citizens.
 3. Facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens.
 4. Research activities for chronic elderly diseases and ageing is expanded.
 5. There are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

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CHAPTER V : PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN

1. Measures for publicity, awareness, etc. for welfare of senior citizens.

The State Government shall, take all measures to ensure that -

1. The provisions of this Act are given wide publicity through public media including the Television, Radio and the print, at regular intervals.
2. The Central Government and State Government Officers, including the Police Officers and the members of the Judicial service are given periodic sensitization and awareness training on the issue relating to this Act.
3. Effective co-ordination between the services provided by the concerned Ministries or Departments dealing with law, home affairs, health and welfare, to address the issue relating to the welfare of the senior citizens and periodical review of the same is conducted.

22. Authorities who may be specified for implementing the provisions of this Act.

1. The State Government 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 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. The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

23. Transfer of property to be void in certain circumstances :

1. Where any citizen who, after the commencement of this Act, has 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 undue influence and shall at the option of the transferor be declared void by the Tribunal.
2. 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 has notice of the right, or if the transfer is gratuitous, but not against the transferee for consideration and without notice of right.
3. If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2) action may be taken on his behalf by any of the organisation referred to in Explanation to Sub-SECTION (1) of section 5.

CHAPTER VI : OFFENCES AND PROCEDURE FOR TRIAL

24. Exposure and abandonment of senior citizen :

Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intension of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.

25. Cognizance of offences :

1. Not with standing any thing contained in the Code of Criminal procedure, 1973, every offence under this Act shall be cognizable and bailable.
2. An Offence under this Act shall be tried summarily by a magistrate.

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CHAPTER VII : MISCELLANEOUS

26. Cognizance of offences :

Every officer or staff appointed to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

27. Jurisdiction of civil courts barred

No Civil Court shall have jurisdiction in respect of any matter to which any provision 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.

28. Protection of action taken in good faith

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 thereunder.

29. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

30. Power of Central Government to give directions

The Central Government may give directions to State Governments as to the carrying into execution of the provisions of this Act.

31. Power of Central Government to review.

The Central Government may make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.

32. Power of State Government to make rules.

1. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
2. Without prejudice to the generality of the foregoing power, such rules may provide for-
 - a. The manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8.
 - b. The power and procedure of the Tribunal for other purposes under sub-section (2) of section 8.
 - c. The maximum maintenance allowance which may be ordered by the Tribunal under sub-section (2) of section 9.
 - d. The scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes under sub-section (2) of section 19.
 - e. The powers and duties of the authorities for implementing the provisions of this Act, under sub-section (1) of section 22.
 - f. A comprehensive action plan for providing protection of life and property of senior citizens under sub-section (2) of section 22.
 - g. Any other matter which is to be, or may be, prescribed.
3. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House, before that House.

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বয়োজ্যেষ্ঠসকলৰ বাবে ৰাষ্ট্ৰীয় নীতি

ভাৰত চৰকাৰৰ সামাজিক ন্যায় আৰু সবলীকৰণ মন্ত্ৰালয়ে (Ministry of Social Justice & Empowerment)

১৯৯৯ চনত এক ৰাষ্ট্ৰীয় নীতি ঘোষণা কৰিছে। তলত এই ৰাষ্ট্ৰীয় নীতিৰ পূৰ্ণপাঠ প্ৰকাশ কৰা হ'ল।

NATIONAL POLICY ON OLDER PERSONS

(Formulated by the Govt. of India, Social Justice and Empowerment Ministry and adopted by the Union Cabinet on 13th February 1999)

(দ্বিতীয় ছোৰা)

6. EDUCATION

55. Education, training and information needs of older persons will be met. These have received virtually no attention in the past. Information and educational material specially relevant to the lives of older people will be developed and widely disseminated using mass media and non-formal communication channels.
56. Discrimination, if any against older persons for availing opportunities for education, training and orientation will be removed. Continuing education programs will be encouraged and supported. These would cover a wide spectrum ranging from career development to recreation use of leisure and imparting skills in community work and welfare activities. Assistance of open universities will be sought to develop packages using distance education learning techniques. Access of older persons to libraries of universities, research institutions and cultural centres will be facilitated.
57. Educational curriculum at all stages of formal education as also non-formal education will incorporate material to strengthen inter-generational bonds and mutually supporting relationships. Interactions with educational institutions will be facilitated, whereby older persons with professional, qualifications and knowledge in science, arts, environment, socio-cultural heritage, sports and other areas could interact with children and young persons. Schools will encouraged and assisted to develop out-reach programs for interacting with older persons on a regular basis, participate in the running of senior citizens centres and develop activities in them.

58. Individuals of all ages, families and communities will be provided with information about the ageing process and the changing roles, responsibilities and relationships at different stages of the life cycle. The contributions of older persons inside the household and outside will be highlighted through the media and other forum and negative images, myths and stereotypes dispelled.

7. WELFARE

59. The main thrust of welfare will be to identify the more vulnerable among older persons such as the poor, the disabled, the infirm, the chronically sick and those without family support and provide welfare services to them on a priority basis. The policy will be to consider institutional care as the last resort when personal circumstances are such that their stay in old age homes becomes absolutely necessary.
60. Non-institutional services by voluntary organisations will be promoted and assisted to strengthen the coping capacity of the older persons and their families. This has become necessary, since families become smaller and women work outside the home, have to cope with scarcity of full-time care givers. Support services will provide some relief through sharing of the family's caring responsibilities.
61. Assistance will be provided to voluntary organisations by way of grants-in-aid for homes. Those for the poor will be heavily subsidised. It is important that such institutions become lively places of stay and provide opportunities to residents to interact with the outside world. Non-governmental organisations will be encouraged to seek professional expertise in the designing

of old age homes, keeping in view needs of group living at this stage of the life cycle and the class of clients they serve. Minimum standards of services in such homes will be developed and facilities provided for training and orientation of persons employed in those homes.

62. Voluntary organisations will be encouraged and assisted to organise services such as daycare, multi-service citizen's centres, reach-out services, supply of disability related aids and appliances, assistance to old persons to learn to use them, short term stay services and friendly home visits by social workers. For old couples or persons living in their own, helpline, telephone assurance services, help in maintaining contacts with friends, relatives and neighbours and escorting older persons to hospitals, shopping complexes and other places will be promoted for which assistance will be given to voluntary organisations. Older persons will be encouraged to form informal groups of their own in the neighbourhood which satisfy the needs for social interaction, recreation and other activities. For a group of neighbourhood villages, the formation of senior citizen's forum will be encouraged.
63. A welfare fund for older persons will be set up. It will obtain funding support from government, corporate sector, trusts, charities, individual donors and others contributions to the fund will be given tax relief. States will be expected to establish similar funds.
64. The need for popularity of arrangements for welfare services in recognised government, voluntary organisations and private sector agencies, all have a place, the latter catering to those who have the means and desire better standards of care.

8. PROTECTION OF LIFE AND PROPERTY

65. Old persons become soft targets for criminal elements. They also become victims of fraudulent dealings and of physical and emotional abuse within the household by family

members to force them to part with their ownership rights. Widow's right of inheritance, occupancy and disposal at times, violated by their own children and relatives. It is important that protection is available to older persons. The introduction of special provisions in IPC to protect older persons from domestic violence will be considered and machinery provided to attend all such cases promptly. Tenancy legalisation will be reviewed so that the rights of occupancy of older persons are restored steadily.

66. Voluntary organisations and associations of older persons will be assisted to provide protective services and help to senior citizens through helping services, legal and other measures.
67. Police will be directed to keep a friendly vigil on older couples or old single persons living alone and promote mechanisms of interaction with neighbourhood associations. Information and advice will be made available to older persons on the importance of keeping contacts on phone with relatives, friends and neighbours and on precaution to be taken on matters such as prevention of un-authorised entry, hiring of domestic help, visits of repair and maintenance persons, vendors and others and the handling of cash and valuables.

9. OTHER AREAS OF ACTION

68. There are various other areas which would need affirmative action of the state to ensure that cards by the administration, fare concessions in all modes travel, preference in reservation of seats in local public transport, modification in the design of public transport vehicles for entry and exit, strict enforcement of traffic discipline at zebra crossings to facilitate older persons to cross streets, priority in gas and telephone connections and in fault repairs, removal of physical barriers to facilitate easy movement, concessions in entrance fee in leisure and entertainment facilities, art and cultural centres and places of tourist interest.

69. Speedy disposal of complaints of older persons relating to fraudulent dealings, cheating and other matters will go a long way in providing relief to them. Machinery for achieving this objective will be put in place.
70. Issues pertaining to older persons will be highlighted every year on the National Older Persons Day. The year 2000 will be declared as the National Year of Older Persons. Activities during the year will be planned and executed with the participation for different organisations.
71. Facilities, concessions and reliefs given to older persons by the central and state governments and other agencies will be compiled, updated at regular intervals and made available to associations of older persons for wide dissemination.

10. NON-GOVERNMENTAL ORGANISATIONS

72. The state alone cannot provide all the services needed by the older persons. Private sector agencies cater to a rather small segment of the population. The National Policy recognised the NGO sector as a very important institutional mechanism to provide user-friendly affordable services to complement the endeavours of the state in this direction.
73. Voluntary effort will be promoted and supported in a big way and efforts made to remedy the current uneven spread, both within a state and between states. There will be continuous dialogue and communication with NGO's on ageing issues and on services to be provided. Networking exchange of information and interaction among the NGOs will be facilitated. Opportunities will be provided for orientation and training of manpower. Transparency,

accountability, simplification of procedures and timely release of grants to voluntary organisations will ensure better services. The grant-in-aid policy will provide incentives to encourage organisations to raise their own resources and not become dependent only on government funding and providing services on a sustainable basis.

74. Trusts, charities, religious and other endowments will be encouraged to extend their areas of concern to provide services to the elderly by involving them on ageing issues.
75. Older persons will be encouraged to recognise themselves to provide services to fellow senior citizens thereby making use of their professional knowledge, expertise and contacts. Initiative taken by them in advocacy, mobilisation of public opinion, raising of resources and community work will be supported.
76. Support will be provided for setting up volunteer programmes which will mobilise the participation of older persons and other in community affairs to interact with elders and help them with their problems. Volunteers will be provided opportunities for training and orientation on handling problems of the elderly and kept abreast of development in the field to promote active ageing. Volunteers will be encouraged to assist the home bound elderly, particularly frail and elderly women and help them to overcome loneliness.
77. Trade unions, employers' organisations and professional bodies will be approached to organise sensitivity programmes for their members on ageing issues and promote and organise services for superannuated workers. □

(অহা সংখ্যাত সমাপ্ত)

● স্মরণীয়

অসমীয়া কৃষ্টি হেজাৰ-বিজাৰ, লাখ-বিলাখ বছৰৰ সামান্যে পৰি-পুষ্ট এই সংস্কৃতি ব্ৰহ্মপুত্ৰৰ দৰেই বিশাল, গভীৰ। যেনেকৈ কোনো দুৰ্বাৰ শক্তিয়ে বিশাল গভীৰ ব্ৰহ্মপুত্ৰক ভেটা দি হেঙাৰ দিব নোৱাৰে, বিশাল গভীৰ অসমীয়া সংস্কৃতিৰ কোবাল সোঁতকা কোনো চক্ৰান্তকাৰীৰ চক্ৰান্ত আৰু যড়যন্ত্ৰই ৰোধিব নোৱাৰে।

— বিষ্ণুৰাভা

বয়োজ্যেষ্ঠসকলৰ বাবে ৰাষ্ট্ৰীয় নীতি

ভাৰত চৰকাৰ সামাজিক ন্যায় আৰু সবলীকৰণ মন্ত্ৰালয়ে (Ministry of Social Justice & Empowerment)

১৯৯৯ চনত এক ৰাষ্ট্ৰীয় নীতি ঘোষণা কৰিছে। তলত এই ৰাষ্ট্ৰীয় নীতিৰ পূৰ্ণপাঠ প্ৰকাশ কৰা হ'ল।

NATIONAL POLICY ON OLDER PERSONS

(Formulated by the Govt. of India, Social Justice and Empowerment Ministry and adopted by the Union Cabinet on 13th February 1999)

(শেষ ছোৱা)

11. REALISING THE POTENTIAL

78. The national policy recognises that 60+ phase of life is a huge untapped resource. Facilities will be made available so that the potential is realised and individuals are enabled to make the appropriate choices.
79. Older Persons, particularly women, perform useful but unsung roles in the household. Efforts will be made to make family members appreciate and respect the contribution of older persons in the running of the household specially when women too are working outside the home. Special programmes will be designed and disseminated through the media targeted at older persons so that they can enrich and update their knowledge, integrate tradition with contemporary needs and transmit more effectively socio cultural heritage to the grand children.

12. FAMILY

80. Family is the most-cherished institution in India and the most vital non-formal social security for the old. Most older persons stay with one or more of their children, particularly when independent living is no longer feasible. It is for them the most-preferred living arrangement and also the most emotionally satisfying. It is important that the family support system continues to be functional and the ability of the family to discharge its caring responsibilities is strengthened through support services.
81. Programmes will be developed to promote family-values, sensitise the young on the necessity and desirability of intergenerational bonding and continuity and the desirability of meeting filial obligations. Values of sharing and caring need to be reinforced. Society will need to be sensitised to accept the role of married daughters in sharing in the light of the changing context where parents have only one or two children in some situations only daughter. This would require some adjustment and changes in perception of in-laws in regard to sharing of caring responsibilities by sons and daughters as a rollary to equal rights to inheritance and the greater emotional attachment the daughters have with their parents

82. State policies will encourage children to co-reside with their parents by providing tax relief, allowing rebates for medical expenses and giving preferences in the allotment of houses. Parents will be encouraged to go in for long-term savings instrument and health insurance during their earning days so that financial load on families can be eased. NGOs will be encouraged and assisted to provide services which reach out to older persons in the home or in the community short term stay in facilities for older people will be supported so that families can get some relief when they go out. Counselling services will be strengthened to relieve intra-familial stresses.

13. SEARCH

83. The importance of a good data base on ageing will require to be strengthened. Universities, Medical colleges and research institutions will be assisted to set up centres of gerontology studies and geriatrics. Corporate bodies, Banks, Trusts and endowments will be requested to institute chairs in universities and medical colleges in gerontological and geriatrics. Funding support will be provided to academic bodies for research projects on ageing. Superannuated scientists will be assisted so that their professional knowledge can be utilised.
84. An interdisciplinary co-ordinating body on research will be set up. Data collecting agencies will be requested to have a separate age category 60+ years and above. Professional association of gerontologists will be assisted to strengthen research activity, disseminate research findings and provide a platform for dialogue debate and exchange of information.
85. The necessity of a national institute of research, training and documentation is recognised. Assistance will be given for setting up research centres in different parts of the country.

14. TRAINING OF MANPOWER

86. The policy recognises the importance of trained manpower. Medical colleges will be assisted to offer specialities in geriatrics training institute for nurses and

for the paramedical personnel need to introduce specific courses of geriatrics in their education and training curriculum. In-service training centres will be strengthened to take up orientation courses on old age care. Assistance will be provided for development of curriculum and course material. Schools of social work and university departments need to give more weight to their curriculum to issues relating to older persons intervention strategies and organisations of services for them. Facilities will be provided and assistance given for training and orientation of personnel in governmental organisations providing services to older persons. Exchange of training personnel will be facilitated.

87. Assistance will be given for development and organisation of sensitisation programmes on ageing for legislative, judicial and executive wings at different levels.

15. MEDIA

88. The National Policy recognises that media have a very important role to play in highlighting the changing situations of older persons and in identifying emerging issues and areas of action. Creative use of media can promote the concept of active ageing and help dispel stereotypes and negative images about this stage of the life cycle. Media can also help to strengthen inter-generation bonds and provide individuals, families and groups with information and educational material which will give better understanding of the ageing process and of ways to handle problems as they arise.
89. The policy aims to involve media as well as informal and traditional communication channels on ageing issues. It will be necessary to provide opportunities to media personnel to have access to information apart from their own independent sources of information and reporting of field situations. Their participation in orientation programmes on ageing will be facilitated. Opportunities will be extended for greater interaction between media personnel and persons active in the field of ageing.

IV IMPLEMENTATION

90. The National policy on older persons will be widely disseminated for which an action plan will be prepared so that its features remain in constant public focus.
91. The policy will make a change in the lives of older citizens only if it is implemented. While the government and the principal organs have some responsibilities in the matter, other institutions such as individuals will need to consider how they discharge their respective roles for the well-being of older persons. Collaborative action will go a long way in achieving a more human society, which gives older persons a

legitimate place. Apex level organisations of older persons have special responsibilities in this regard so that they can function as a watchdog, energise continuing action, mobilise public opinion and generate pressure for implementation of the policy.

92. The ministry of social justice and empowerment will be the nodal ministry to coordinate all matters relating to the implementation of the policy. A separate bureau of older persons will be set up. An Inter-ministerial committee will coordinate matters relating to implementation of the national policy and monitor its progress. States will be encouraged to set up separate directorate of older persons and set up machinery for coordination and monitoring.
93. Five year and annual action plans will be prepared by each ministry to implement aspects which concern them. These will indicate steps to be taken to ensure flow of benefits to older persons from general programmes and from schemes specifically formulated for their wellbeing. Targets will be set within the framework of a time schedule. Responsibility for implementation of action points will be specified. The planning commission and the finance ministry will facilitate budgetary provisions required for implementation. The Annual report of each ministry will indicate progress achieved during the year.
94. Every three years the nodal ministry and orientation of personnel will prepare a detailed review of governmental organisations providing service to older persons. Exchange of training personnel will be facilitated.
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102. Every three years a detailed review will be prepared by the nodal ministry on the implementation of the National policy. There will be non-official participation in the preparation of the document. The review will be a public document. It will be discussed in a National convention state government and union territories will be urged to take similar action.
103. An autonomous national council for older persons, headed by the minister for social justice and empowerment will be set up to persons. The council will include representatives of relevant central ministries and the planning commission. Five states will be represented on the council by rotation. Adequate representation will be given to non-official members representing non-government organizations, academic bodies, Media and experts on ageing issues from different fields.
104. An autonomous registered national association of older persons (NAOPs) will be established to mobilize senior citizens, articulate their interests, promote and undertake programs and activities for their wellbeing and to advise the government on all matters relation to older persons. The association will have national, state and district level officers and will choose its own office-bearers. The government will provide financial support to establish the national and state level offices while the district level offices will be established by the association from its own resources, which may be raised through membership subscriptions, donations and other admissible means. The government will be able to provide financial assistance to the national and state level offices to cover both recurring as well as non-recurring administrative costs for a period of 15 years and thereafter the association is to be expected to be financially self-sufficient.
105. Panchayat Raj institutions will be encouraged to participate in the implementation of the national policy, address local levels issues and needs of the ageing and implement programs for them. They will provide forums for discussing concerns of older persons and activities that need to be taken. Such forums will be encouraged at Panchayat, block and district level. They will have adequate representation of older women. Panchayat will mobilize the talents and skills of older persons and draw up plans for utilizing these at the local level. Amongst others, the help of the social justice committees of the village panchayats will be taken to advocate different measures for giving effect to the policy.
106. In order to ensure effective implementation of the policy in different levels, from time to time the help of experts of public administration shall be taken to prepare the details of the organizational setup for the implementation, coordination and monitoring of the policy □

(সমাপ্ত)

পিতৃ-মাতৃ আৰু জ্যেষ্ঠ নাগৰিকৰ ভৰণ-পোষণ আৰু কল্যাণ আইন

ভাৰত চৰকাৰে ২০০৭ চনত পিতৃ-মাতৃ আৰু জ্যেষ্ঠ নাগৰিকৰ ভৰণ-পোষণ আৰু
কল্যাণ আইনখন প্ৰণয়ন কৰিলে। এই আইনৰ পূৰ্ণপাঠ তলত দিয়া হ'ল।

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007 (ACT NO. 56 OF 2007)

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows : —

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
(2) It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India.
(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires, —
 - (a) "children" includes son, daughter, grandson and grand-daughter but does not include a minor;
 - (b) "maintenance" includes provision for food, clothing, residence and medical attendance and treatment;
 - (c) "minor" means a person who, under the provisions of the Indian Majority Act, 1875, is deemed not to have attained the age of majority;
 - (d) "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen;
 - (e) "prescribed" means prescribed by rules made by the State Government under this Act;
 - (f) "property" means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property;
 - (g) "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;
 - (h) "senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above;
 - (i) "State Government", in relation to a Union Territory, means the administrator thereof appointed under Article 239 of the Constitution;
 - (j) "Tribunal" means the Maintenance Tribunal constituted under section 7;
 - (k) "Welfare" means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.
3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

ACT TO HAVE
OVERRIDING
EFFECT

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CHAPTER II

MAINTENANCE OF PARENTS AND SENIOR CITIZENS

4. (1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under Section 5 in case of—

- (i) parent or grand-parent, against one or more of his children not being a minor;
- (ii) a childless senior citizen, against such of his relative referred to in clause (g) of Section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.

(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen :

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

APPLICATIN FOR
MAINTENANCE

5. (1) An application for maintenance under Section 4, may be made—

- (a) by a senior citizen or a parent, as the case may be; or
- (b) if he is incapable, by any other person or organisation authorized by him; or
- (c) the Tribunal may take cognizance suo motu.

21 OF 1860

Explanation.— For the purposes of this Section “organisation” means any voluntary association registered under the Societies Registration Act, 1860, or any other law for the time being in force.

(2) 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.

(3) On receipt of an application for maintenance under sub-section 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.

(4) An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of 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 thirty days in exceptional circumstances for reasons to be recorded in writing.

(5) An application for maintenance under sub-section (1) may be filed against one or more persons :

Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.

(6) 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.

(7) 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 the case may be.

(8) If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the

amount due in the manner provided for levying fines, and may sentence such person 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 for a term which may extend to one month or until payment if sooner made whichever is earlier.

Provided that no warrant shall be issued for the recovery of any amount due under this Section 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.

6. (1) The proceedings under Section 5 may be taken against any children or relative in any district—
- where he resides or has resided; or
 - where children or relative resides.
- (2) On receipt of the application under Section 5, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.
- (3) For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973.
- (4) All evidence to such proceedings shall be taken in the 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 cases :
- 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, the Tribunal may proceed to hear and determine the case ex parte.
- (5) Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the Official Gazette, specify in this behalf.
- (6) The Tribunal before hearing an 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 arrived at, the Tribunal shall pass an order to that effect.

Explanation.—For the purposes of this sub-section “Conciliation Officer” means any person or representative of an organisation referred to in Explanation to sub-section (1) of Section 5 or the Maintenance Officers designated by the State Government under sub-section (1) of Section 18 or any other person nominated by the Tribunal for this purpose.

CONSTITUTION OF MAINTENANCE TRIBUNAL

7. (1) The State Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for each Subdivision one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under Section 5.
- (2) The Tribunal shall be presided over by an officer not below the rank of Sub divisional Officer of a State.
- (3) Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

SUMMARY PROCEDURE IN CASE OF INQUIRY

8. (1) In holding any inquiry under Section 5, the Tribunal may, subject to any rules that may be prescribed by the State Government in this behalf, follow such summary procedure as it deems fit.
- (2) 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.
	(3)	Subject to any rule that may be made in this behalf, 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 inquiry to assist it in holding the inquiry.
ORDER FOR MAINTENANCE	9. (1)	If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.
	(2)	The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.
ALTERATION IN ALLOWANCE	10. (1)	On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under Section 9, for the maintenance ordered under that Section to pay a monthly allowance for the maintenance, the Tribunal may make such alteration, as it thinks fit, in the allowance for the maintenance.
	(2)	Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under Section 9 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.
ENFORCEMENT OF ORDER OF MAINTENANCE	11. (1)	A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.
2 OF 1974	(2)	A maintenance 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.
	12.	Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure, 1973, where a senior citizen or a parent is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.
	13.	When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.
2 OF 1974	14.	Where any Tribunal makes an order for maintenance made under this Act, such Tribunal may direct that in addition to the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent. and not more than eighteen per cent. Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent and such parent shall be entitled to file an application for maintenance before the Tribunal.
2 OF 1974	15. (1)	The State Government may, by notification in the Official Gazette, constitute one Appellate Tribunal for each district to hear the appeal against the order of the Tribunal.

- (2) The Appellate Tribunal shall be presided over by an officer not below the rank of District Magistrate.

16. (1) Any senior citizen or respondent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal :

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

- (2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.
- (3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.
- (4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.
- (5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final :
- Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorized representative.
- (6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.
- (7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.

RIGHT TO LEGAL REPRESENTATION

17. Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

MAINTENANCE OFFICER

18. (1) The State Government shall designate the District Social Welfare Officer or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer. Constitution of Appellate Tribunal. Appeals. Right to legal representation Maintenance Officer. 2 of 1974.
- (2) The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

CHAPTER III

ESTABLISHMENT OF OLD AGE HOMES

19. (1) The State Government shall establish and maintain such number of old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.
- (2) The State Government may prescribe a scheme for management of old age homes, including the standard and various types of services to be provided by them which are necessary for medical and means of entertainment to the inhabitants of such homes.
- Explanation: — For the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain him.

CHAPTER IV

PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZEN

20. The State Government shall ensure that, —

- (i) the Government hospitals or hospitals funded fully or partially by the Government 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.

CHAPTER V

PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN

21. The State Government 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 Government and State Government Officers, including the police officers and the members of the judicial service, are given periodic sensitization and awareness training on the issues relating to this Act;

Measures for publicity, awareness, etc., for welfare of senior citizen.

Medical support for senior citizen.

Establishment of old age homes.

- (iii) effective co-ordination between the services provided by the concerned Ministries 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.

22. (1) The State Government 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 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) The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

23. (1) 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 undue influence and shall at the option of the transferor be declared void by the Tribunal.

- (2) 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.

- (3) If, any senior citizen is incapable of enforcing the rights under sub sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of Section 5

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

24. Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.
25. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and bailable.
- (2) An offence under this Act shall be tried summarily by a Magistrate.

CHAPTER VII

MISCELLANEOUS

26. Every officer or staff appointed to exercise functions under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.
27. No Civil Court shall have jurisdiction in respect of any matter to which any provision 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.
28. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government 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.
29. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.
30. The Central Government may give directions to State Governments as to the carrying into execution of the provisions of this Act.
31. The Central Government may make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.
32. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the manner of holding inquiry under Section 5 subject to such rules as may be prescribed under sub-section (1) of Section 8;
- (b) the power and procedure of the Tribunal for other purposes under sub-section (2) of Section 8;
- (c) the maximum maintenance allowance which may be ordered by the Tribunal under sub-section (2) of Section 8;
- (d) the scheme for management of old age homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes under sub-section (2) of Section 19;
- (e) the powers and duties of the authorities for implementing the provisions of this Act, under sub-section (1) of Section 22;
- (f) a comprehensive action plan for providing protection of life and property of senior citizens, under sub-section (2) of Section 22;
- (g) any other matter which is to be, or may be, prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such Legislature consists of one House, before that House.

STATUS REPORT OF NSAP SCHEMES UNDER NAGAON ZILLA PARISHAD

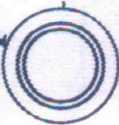


Sl No	Name of Scheme	Opening Balance as on 01/04/2016	Fund received this year 2016-17	Total amount available	Amount utilized	Physical Target	Physical Target Achieved	Remarks
1	IGNOAPS	51014144.00	258878175.00	309892319.00	189039117.00	86709	78056	Data Digitization and Filteration are going on. Fund will be released after completion of the process.
2	NFBS	5819538.00	11260000.00	17079538.00	8720000.00	753	436	
3	IGNWPS	30873420.00	37862000.00	68735420.00	57126000.00	10577	9512	
4	IGNDPS	7334620.00	7308000.00	14642620.00	836000.00	4040	3315	

Development Block wise target in Respect of NSAP Components

SI No	Name of Block/MBTC	Total Target 60 yrs to 79 yrs Years	Total Target 80yrs & Above	Total Target WIDOW	Total Target IGNDPS
1	2	3	4	5	6
1	Barhampur	2901	125	598	100
2	Khagarijan	3344	181	590	250
3	Pakhimoria	2311	126	583	192
4	Dolongghat	2462	70	570	248
5	Juria	7171	323	712	330
6	Kathiatoli	5682	317	742	444
7	Batadrava	4716	176	608	346
8	Lawkhowa	4941	153	650	78
9	Rupahihat	4487	200	477	189
10	Bajiagaon	5236	200	403	250
11	Raha	4331	230	725	140
12	Moirabari	1521	80		81
13	Kapili	698	40		36
14	Lumding	2771	200	489	142
15	Udali	2621	151	405	103
16	Jugijan	3747	185	637	100
17	Binnakandi	6486	353	845	200
18	Dhalpukhuri	3484	182	498	136
19	Kaliabor	3147	152	394	136
20	Pachim Kaliabor	2795	145	651	88
	Total	74852	3589	10577	3589

Development MB/TC wise target in Respect of NSAP Components



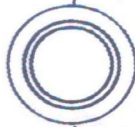
SI No	Name of Block/MBTC	Total Target 60 yrs to 79 yrs Years	Total Target 80yrs & Above	Total Target WIDOW	Total Target IGNDPS
1	2	3	4	5	6
1	Nagaon MB	2528	172		100
2	Hoaji MB	1317	85		98
3	Lanka MB	955	66		46
4	Lumding MB	1049	46		100
5	Dhing MB	674	49		50
6	Kampur TC	339	23		17
7	Raha TC	334	17		20
8	Doboka TC	583	31		20
	Total	7779	489	0	451

SI No	Name of Block/MBTC	Total Target 60 yrs to 79 yrs Years	Total Target 80yrs & Above	Total Target WIDOW	Total Target IGNDPS
1	2	3	4	5	6
1	Block Total	74852	3589	10577	3589
2	MB/TC Total	7779	489	0	451
3	Grand Total	82631	4078	10577	4040

MIS STATUS AS ON 14-03-2017 (IGNOAPS)

Sub District/Sub Municipal Area	Sanctioned Pensioners						New Applications						Total		
	Sanction ed	Female	Male	Trans gender		Below 80	80 and Above	New App.	Fernal e	Male	Trans gender			Below 80	80 and Above
RURAL															
BAJIAGAON	6218	2839	3377	2	4878	1340	150	80	70	0	138	12	6368		
BARHAMPUR	2683	1177	1506	0	1850	833	24	0	24	0	21	3	2707		
BATADRABA	4955	2323	2632	0	3282	1673	0	0	0	0	0	0	4955		
BINAKANDI	7756	3933	3823	0	6524	1232	57	37	20	0	52	5	7813		
DHALPUKHURI	3858	1921	1937	0	2848	1010	0	0	0	0	0	0	3858		
DOLONGGHAT	3010	1350	1660	0	2529	481	0	0	0	0	0	0	3010		
JUGIJAN	3867	2030	1837	0	2129	1738	0	0	0	0	0	0	3867		
JURIA	8317	4097	4218	2	3080	5237	0	0	0	0	0	0	8317		
KALIABOR	3342	1775	1567	0	1746	1596	0	0	0	0	0	0	3342		
KAPILI	372	223	149	0	253	119	0	0	0	0	0	0	372		
KATHIATOLI	5758	2837	2921	0	3478	2280	22	0	22	0	19	3	5780		
KHAGORIJJAN	3945	1938	2007	0	2963	982	0	0	0	0	0	0	3945		
LOWKHOWA	5658	3014	2644	0	3747	1911	2	2	0	0	2	0	5660		
LUMDING	3536	1625	1911	0	3281	255	0	0	0	0	0	0	3536		
MOIRABARI	1379	695	684	0	542	837	3	3	0	0	3	0	1382		
ODALI	2481	1202	1279	0	2207	274	0	0	0	0	0	0	2481		
PACHIM KALIABOR	2583	1238	1345	0	1701	882	0	0	0	0	0	0	2583		
PAKHIMORIA	2807	1333	1474	0	2345	462	1	1	0	0	1	0	2808		
RAHA	4324	2204	2120	0	2466	1858	0	0	0	0	0	0	4324		
RUPAHIHUT	4607	2315	2292	0	3273	1334	17	11	6	0	12	5	4624		
Total	81456	40069	41383	4	55122	26334	276	134	142	0	248	28	81732		

MIS STATUS AS ON 14-03-2017 (IGNOAPS)



URBAN

Sub District/Sub Municipal Area	Sanctioned Pensioners					New Applications							Total
	Sanctioned	Female	Male	Trans		Below 80	80 and Above	New App.	Female	Male	Trans		
				gender	gender						Below 80	Above 80	
RURAL													
DABAKA TOWN COMMITTEE	15	7	8	0	15	0	0	0	0	0	0	0	15
DABAKA TWON COMMITTEE	678	386	292	0	640	38	2	0	2	0	2	0	680
DHING MUNICIPAL BOARD	702	388	314	0	638	64	3	1	2	0	3	0	705
HOJAI MUNICIPAL BOARD	1402	809	593	0	1246	156	1	1	0	0	1	0	1403
KAMPUR TOWN COMMITTEE	361	193	168	0	334	27	8	6	2	0	8	0	369
LANKA MUNICIPAL BOARD	1030	555	475	0	750	280	0	0	0	0	0	0	1030
LUMDING MUNICIPAL BOARD	1090	574	516	0	1003	87	5	3	2	0	5	0	1095
Total	8256	4753	3503	0	7256	1000	56	32	24	0	55	1	8312