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#### NOTIFICATION

**No. B.11014/2/2008-SWD, the 30<sup>th</sup> July, 2014.** In exercise of the powers conferred by Section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act. (No.56 of 2007), the Governor of Mizoram is pleased to notify The Mizoram Maintenance and Welfare of Parents and Senior Citizens Rules, 2013 with immediate effect.

Sd/-  
LALRINLIANA FANAI,  
Commr. & Secretary to the Govt. of Mizoram,  
Social Welfare Department.

**THE MIZORAM MAINTENANCE AND WELFARE OF PARENTS  
AND SENIOR CITIZENS RULES, 2013**

**CHAPTER - I**

**PRELIMINARY**

**1. Short title and commencement :-**

- (1) These rules may be called the Mizoram Maintenance and Welfare of Parents and Senior Citizens Rules, 2013.
- (2) They shall come into force from the date of their notification in the official gazette.

**2. Definitions-**

- (1) In these rules, unless the context otherwise requires,-
  - (a) **“Act”** means the Maintenance and Welfare of Senior Citizens Act, 2007 (56 of 2007);
  - (b) **“application”** means an application made to a tribunal under section 5;
  - (c) **“blood relations”**, in the context of male and a female inmate, means father-daughter, mother-son, and brother-sister (not cousins);
  - (d) **“form”** means a form appended to these rules;
  - (e) **“Inmate”**, in relation to an old age home, means a senior citizen duly admitted to reside in such a home;
  - (f) **“opposite party”** means the party against whom an application for maintenance has been filed under section 4;
  - (g) **“Presiding Officer”** means an officer appointed to preside over a Maintenance Tribunal referred to under sub-section (2) of section 7, or an Appellate Tribunal under sub-section (2) of section 15;
  - (h) **“Schedule”** means a Schedule appended to these rules;
  - (i) **“section”** means a section of the Act;
  - (j) **“State Government”** means the Government of Mizoram.
- (2) Words and expressions defined in the act but not defined in these rules shall have the meanings respectively assigned to them in the Act.

**CHAPTER - II**

**PROCEDURE FOR MAINTENANCE TRIBUNAL AND CONCILIATION OFFICERS.**

**3. Panel for appointment as Conciliation Officers.-**

- (1) Every Tribunal shall prepare a panel of persons suitable for appointment as Conciliation Officer under sub-section (6) of section 6, which shall include the Maintenance Officers designated under section 18.
- (2) Persons referred to under sub-rule (i), other than Maintenance Officers designated under section 18, shall be chosen, subject to fulfilling the following conditions, namely:-
  - (a) he should be associated with an organization which is working for the welfare of senior citizen and/or weaker sections, or in the area of education, health, poverty-alleviation, women's empowerment, social welfare, rural development or related fields, for at least two years with an unblemished record of service;

- (b) he should be a senior office-bearer of the organization; and
- (c) he should possess good knowledge of law:

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

- (i) He must have a good and unblemished record of public service in one or more of the areas mentioned in clause (a); and
  - (ii) He should possess good knowledge of law.
- (3) The Tribunal shall publish the panel mentioned in sub-rule (1) for general information at least twice every year, on 1<sup>st</sup> January and 1<sup>st</sup> July, respectively, and every time any change is effected therein.

**4. Procedure for filling an application for maintenance, and its registration.-**

- (1) An application for maintenance under section 4 shall be made in Form 'A', in the manner laid down in clauses (a) and (b) of sub-section (1) of section 5.
- (2) On receipt of an application under sub-rule (i), the Presiding Officer shall cause:-
  - (a) its essential details to be entered in a Register of Maintenance Claim Cases, to be maintained in such form as the State Government may direct; and
  - (b) its acknowledgement in Form 'B' to be given, notwithstanding anything contained in rule 5, to the applicant or his authorized representative in case of hand delivery, and its dispatch by post in other cases, and the acknowledgement shall specify, inter alia, the registration number of the application.
- (3) Where a Tribunal takes cognizance of a maintenance claim sio motu, the Presiding Officer shall, after ascertaining facts, get Form 'A' completed as accurately as possible, through the staff of the Tribunal, and shall, as far as possible, get it authenticated by the concerned senior citizen or parent, or any person or organization authorized by him shall cause the same to be registered in accordance with clause (a) of sub-rule (2) above.

**5. Preliminary Scrutiny of the application**

- (1) On receipt of an application under sub-section (i) of section 5, the Tribunal shall satisfy itself that -
  - (a) the application is complete; and
  - (b) the opposite party has, prima facie, an obligation to maintain the applicant in terms of section 4.
- (2) In case where the Tribunal finds any lacunae in the application, it may direct the applicant to rectify such lacunae within a reasonable time limit as may be specified by it in writing.

**6. Notice to the Opposite Party -**

- (1) Once the Tribunal is satisfied on the points mentioned in sub-rule (1) of rule 5, it shall cause to be issued to each person against whom an application for maintenance has been filed, a notice in Form 'C' directing them to show cause why the application should not be granted, along with a copy of the application and its enclosures, in the following manner:-
  - (a) by hand delivery (Dasti) through the applicant if he so desires or through a process server; or
  - (b) by registered post with acknowledgement due.

- (2) The notice shall require the opposite party to appear in person, on the date to be specified in the notice and to show cause in writing as to why the application should not be granted and shall also inform that in case he fails to respond to it, the Tribunal shall proceed ex parte.
  - (3) Simultaneously with the issue of notice under sub-rules (i) and (2), the applicant (s) shall also be informed of the date mentioned in sub-rule (2), by a notice issued in Form 'D'.
  - (4) The provisions of Order V of the Code of Civil Procedure, 1908, shall apply, mutatis mutandis, for the purpose of service of notice under sub-rule (2) and (3)
- 7. Procedure in case of non-appearance by the Opposite Party –**  
In case, despite service of notice, the opposite party fails to show cause in response to a notice, the Tribunal shall proceed ex parte, by taking such evidences of the applicant as he or she may produce or adduce, and making such other inquiry as it deems fit, and shall pass an order disposing of the application.
- 8. Procedure in case of admission of claim –**  
In case, on the date fixed in the notice issued under rule 6, the opposite party appears and accepts his liability to maintain the applicant, and the two parties arrive at a mutually agreed settlement, the Tribunal shall pass an order accordingly.
- 9. Procedure for impleading children or relatives.-**
- (1) An application by the opposite party, under the proviso to sub-section (5) of section 5, to implead any other child or relative of the applicant shall be filed on the first date of hearing as specified in the notice issued under sub-rule (2) of rule 6:  

Provided that no such application shall be entertained after such first hearing, unless the opposite party shows sufficient cause for filing it at a later stage.
  - (2) On receipt of an application under sub-rule (i), the Tribunal shall, if it is prima facie satisfied after hearing the parties about reasonableness of such application, issue notice to such other child or relative to show cause why they should not be impleaded as a party, and shall, after giving them an opportunity of being heard, pass an order regarding their impleadment of otherwise.
  - (3) In case the Tribunal passes an order of impleadment under sub-rule (2), it shall cause a notice to be issued to such impleaded party in Form "C" in accordance with rule 6.
- 10. Reference to Conciliation Officer-**
- (1) In case, on the date fixed in the notice issued under rule 6, the opposite party appears and shows cause against the maintenance claim, the Tribunal shall seek the opinion of both the parties as to whether they would like the matter to be referred to a Conciliation officer and if they express their willingness in this behalf, the Tribunal shall ask them whether they would like the matter to be referred to a person included in the panel prepared under rule 3, or to any other person acceptable to both parties.
  - (2) If both the parties agree on any person, whether included in the panel under rule 3 or otherwise, the Tribunal shall appoint such person as the Conciliation Officer in Form 'E' requesting the Conciliation Officer to try and work out a settlement acceptable to both parties, within a period not exceeding one month from the date of receipt of the reference.
  - (3) The reference in Form 'E' shall be accompanied with copies of the application and replies of the opposite party thereto.

**11. Proceedings by Conciliation Officer.-**

- (1) Upon receipt of a reference under rule 10, the Conciliation Officer shall hold meetings with the two parties as may be necessary, and shall try to work out a settlement acceptable to both the parties, within a period of one month from the date of receipt of the reference.
- (2) If the Conciliation Officer succeeds in working out a settlement acceptable to both the parties, he shall draw up a memorandum of settlement in form 'F', get it signed by both parties, and forward it, with a report in Form 'G' along with all records of the case received from the Tribunal, back to the Tribunal within a month from the received of the reference.
- (3) If the Conciliation Officer is unable to arrive at a settlement within one month of receipt of a reference under rule 10, he shall return the papers received from the Tribunal along with a report in Form 'H' showing efforts made to bring about a settlement and the points of difference between the two parties, which could not be reconciled.

**12. Action by the Tribunal in case of settlement before a Conciliation Officer -**

- (1) In case, the tribunal receives a report from the Conciliation Officer under sub-rule (2) of Rule 11, along with a memorandum of settlement, it shall give notice to both the parties to appear before it on a date to be specified in the notice, and confirm the settlement.
- (2) In case, on the date specified in the notice as above, the parties appear before the Tribunal and confirm the settlement arrived at before the Conciliation Officer, the Tribunal shall pass a final order as agreed in such settlement.

**13. Action by the Tribunal in other cases -**

- (1) In case:-
  - (i) the applicant (s) and the opposite parties do not: agreed for reference of their dispute to a Conciliation Officer as per rule 10, or
  - (ii) the Conciliation Officer appointed under rule 10 sends a report under sub-rule (3) of rule 11, conveying inability to work out a settlement acceptable to both the parties, or
  - (iii) no report is received from a Conciliation Officer within the stipulated time-limit of one month, or
  - (iv) In response to the notice issued under sub-rules (1) of rule 12, on or both the parties declines or decline to confirm the settlement worked out by the Conciliation Officer, the Tribunal shall give to both the parties an opportunity of leading evidence in support of their respective claims, and shall, after a summary inquiry as provided in sub-section (1) of section 8, pass such order as it deems fit.
- (2) An order passed under rule 7, rule 8 or under sub-rule (1) above shall be a speaking one, spelling out the facts of the case as ascertained by the Tribunal, and the reasons for the order.
- (3) While passing an order under sub-rule (1), directing the opposite party to pay maintenance to an applicant, the Tribunal shall take the following into consideration:-
  - (a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation and health care;
  - (b) income of the opposite party; and
  - (c) value of, and actual and potential income from the property, if any, of the applicant which the opposite party would inherit and/or in possession of.

- (4) A copy of every order passed, whether final or interim, on an application, shall be given to the applicant(s) and the opposite party or their representatives in person, or shall be sent to them through a process server or by registered post with acknowledgement due.

**14. Maximum maintenance allowance:-**

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

**CHAPTER - III**

**PROCEDURE OF APPELLATE TRIBUNAL**

**15. Form of appeal:-**

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

**16. Registration and acknowledgement of appeal –**

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

**17. Notice of hearing to the respondents -**

- (1) On receipt of an appeal, the Appellate Tribunal shall, after registering the case and assigning an appeal number, cause notice to be served upon the respondent under its seal and signature in Form 'K'.
- (2) The notice under sub-rule (i) shall be issued through registered post with acknowledgement due, or through a process server.
- (3) The provisions of Order V of the Civil Procedure Code 1908 shall apply, mutatis mutandis, for the purposes of service of notice issued under sub-rule (i).

**CHAPTER – IV**

**SCHEME FOR MANAGEMENT OF OLD AGE HOME ESTABLISHED UNDER SECTION 19**

**18. Scheme for management of old age homes for indigent senior citizens:-**

- (1) Old Age Homes established under section 19 shall be run in accordance with the following norms and standards:-
  - (A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.
  - (B) Inmates of the home shall be selected in accordance with the following procedure:-
    - (a) applications shall be invited at appropriate intervals, but at least one each year, from indigent senior citizens, as defined in section 19 of the Act, desirous of living in the home;
    - (b) in case the number of eligible applicants on any occasion is more than the number of places available in a home for admission, selection of inmates will be made in the following manner:-

- (i) the more indigent and needy will be given preference over the less indigent applicants,
- (ii) other things being equal, older senior citizens will be given preference over the less old, and
- (iii) other things being equal, female applicants will be given preference over male applicants

Illiterate and/or very infirm senior citizens may also be admitted without any formal application if the District Magistrate or other competent authority, designated by him for the purpose, is satisfied that the senior citizen is not in a position to make a formal application, but is badly in need of shelter;

- (C) While Considering applications or cases for admission, no distinction shall be made on the basis of religion or caste;
  - (D) The home shall provide separate lodging for men and women inmates, unless a male and a female inmate are either blood relations or a married couple;
  - (E) Day-to-day affairs of the old age home shall be managed by a Management Committee which shall be constituted in accordance with orders and guidelines issued by the State Government from time to time, such that inmates are also suitably represented on the Committee.
- (2) State Government may issued detailed guidelines/orders from time to time for admission into and management of old age homes in accordance with the norms and standards laid down in sub-rule (1) and the Schedule.

## CHAPTER - V

### **DUTIES & POWERS OF THE DISTRICT MAGISTRATE**

#### **19. Duties and powers of the District Magistrate:-**

- (1) The District magistrate shall perform the duties and exercise the powers mentioned in sub-rules (2) and (3) so as to ensure that the provisions of the Act are properly carried out in his district.
- (2) It shall be the duty of the District Magistrate to-
  - (i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;
  - (ii) Maintenance Tribunals and Maintenance Officers of the district with a view to ensuring timely and fair disposal of applications for maintenance, and execution of Tribunals' orders;
  - (iii) Oversee and monitor the working of old age homes in the district so as the ensure that they conform to the standards laid down in these rules, and any other guidelines and orders of the State Government.
  - (iv) ensure regular and wide publicity of the provisions of the Act, and Central and State Governments' programmes for the welfare of senior citizens;
  - (v) encourage and coordinate with panchayats, municipalities, Nehru Yuwa Kendras, educational institutions and especially their National Service Scheme Units, organizations, specialists, experts, activists, etc. working in the district so that their resources and efforts are effectively pooled for the welfare of senior citizens of the district;

- (vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;
  - (vii) ensure periodic sensitization of officers of various Departments and Local Bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter;
  - (viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a Police Commissioner;
  - (ix) ensure that adequate number of prescribed application forms for maintenance are available in offices of common contact for citizens like Panchayats, Post Offices, Block Development Offices, Tahsil offices, Collectorate, Police Station, etc;
  - (x) promote establishment of dedicated Helplines for senior citizens at District Headquarters.
  - (xi) perform such other functions as the State Government may, by order, assign to the District Magistrate in this behalf, from time to time.
- (3) With a view to performing the duties mentioned in sub-rule (2), the District Magistrate shall be competent to issue such directions, not inconsistent with the Act, there rules, and general guidelines of the State Government, as may be necessary, to any concerned government of statutory agency or body working in the District, and especially to the following:-
- (a) Officers of the State Government in the Police, Health and Publicity Departments, and the Department dealing with welfare of senior citizens;
  - (b) Maintenance Tribunals and conciliation Officers;
  - (c) Panchayats and Municipalities;
  - (d) Educational institutions; and
  - (e) NGOs.

## **CHAPTER - VI**

### **PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZENS.**

#### **20. Action plan for the protection of life and property of senior citizens.**

- (1) The District Superintendent of Police, and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines as the State Government may issue from time to time, for the protection of life and property of senior citizens.
- (2) Without prejudice to the generality of sub-rule (1),
  - (i) each police station shall maintain an up-to-date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e. without there being any member in their household who is not a senior citizen).
  - (ii) a representative of the police station together, as far as possible, with a social worker of volunteer, shall visit such senior citizens at regular intervals of at least one a month, and shall, in addition, visit them, as quickly as possible on receipt of a request of assistance from them.
  - (iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police.
  - (iv) one or more Volunteers' Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other.



- (v) the District Superintendent of Police or, as the case may be, the Police Commissioner shall cause to be publicized widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens.
- (vi) each Police Station shall maintain a separate register containing all important particulars relating to offences committed against senior citizens, in such form as the State Government may, by order, specify.
- (vii) the register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as reflected in the register.
- (viii) the Police Station shall send a monthly report of such crimes to the District Superintendent of Police by the 10<sup>th</sup> of every month.
- (ix) list of Do's and Don'ts to be followed by senior citizens in the interest of their safety will be widely publicized.
- (x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens.
- (xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighborhood, Residents' welfare Associations, Youth Volunteers, Non-Government Organisations, etc.
- (xii) the District Superintendent of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by the 20<sup>th</sup> of every month, about the statue of crime against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month.
- (xiii) the District Magistrate shall cause the report to be placed before the District-level Coordination-cum-Monitoring Committee constituted under rule 22.
- (xiv) The Director General of Police shall cause the reports submitted under clauses (xii) to be compiled, once a quarter, and shall submit them to the State Government every quarter as well as every year for, inter alia, being placed before the State council of Senior Citizens constituted under rule 21.

## CHAPTER - VII

### STATE COUNCIL AND DISTRICT COMMITTEES OF SENIOR CITIZENS

#### **21. State Council of Senior Citizens**

- (1) The State Government may, by order, establish a State council of Senior Citizens to advise the State Government on effective implementation of the Act and to perform such other functions in relation to senior citizens as the State Government may specify.
- (2) The State Council shall consist of the following members, namely:-
  - (i) Minister of State Government in charge of welfare of senior citizens; Chairman, Ex officio
  - (ii) Secretaries of Departments of the State Government dealing with Disabilities, Senior Citizens' Welfare, Health, Home, Publicity, Pensions, and other subjects of concern to the senior citizens; Members, Ex officio

- (iii) Such number of specialists and activists in the field of welfare of senior citizens, as the State Government may determine, to be nominated by the State Government; Members
  - (iv) Such number of eminent senior citizens, as the State Government may determine, but not less in number than the ex officio members in the Council, to be nominated by the State Government; Members
  - (v) Director incharge of Senior Citizens' Welfare in the State. Member-Secretary, Ex officio
- (3) The State Council shall meet at least once in six months.
  - (4) Tenure of the members of the State Council, other than ex officio members, rules of procedure of the Council and other ancillary matters shall be such as the State Government may, by order, specify.

**22. District Committee of Senior Citizens.**

- (1) The State Government may, by order, establish a district Committee of Senior Citizens for each District to advise in effective and coordinated implementation of the Act at the District level, and to perform such other functions in relation to senior citizens at the district level, as the State Government may specify.
- (2) The District Committee shall meet once every quarter.
- (3) Composition of the District Committee, tenure of members (other than ex officio members), rules of procedure and other ancillary matters shall be such as the State Government may, by order, specify.

**SCHEDULE**  
**(See Rule 18)**

**NORMS OF PHYSICAL FACILITIES AND OPERATIONAL STANDARDS FOR  
AN OLD AGE HOME FOR INDIGENT SENIOR CITIZENS ESTABLISHED  
U/S 19 OF THE ACT**

**I Physical Facilities.**

1. **Land** : The land for the old age home should be adequate to comply with the floor-Area Ratio (FAR) as prescribed by the relevant urban body/State Government. In the case of semi-urban/rural areas, the State Government shall provide adequate land for setting up of an old age home of requisite capacity such that there is adequate land for recreation, gardening, further expansion, etc.
2. **Living Space** : The Old Age Home shall, as far as possible, have minimum area per inmate as per the following norms:-
  - (i) area of bedroom/dormitory per inmate 7.5 sq. metres  
inmate
  - (ii) living area or carpet area per inmate 12 sq. metres  
i.e. including (i) above plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc. but excluding verandahs, corridors, etc.
3. **Facilities** : (1) The old age home shall have the following facilities:
  - (i) residential area comprising rooms/dormitories separately for men and women.
  - (ii) adequate water for drinking and ancillary purposes;
  - (iii) electricity, fans and heating arrangement for inmate (as necessary);
  - (iv) kitchen-cum-store and office;
  - (v) dining hall;
  - (vi) adequate number of toilets and baths including toilets suitable for disabled persons;
  - (vii) recreation facilities, television, newspaper and an adequate collection of books; and
  - (viii) first aid, sick bay, and primary healthcare facilities.(2) The old age home should be barrier-free with provision of ramps and handrails, and where necessary, lifts, etc.

**II Operational Standards**

1. Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
2. Adequate clothing and linen for the inmates, including for the winter season.
3. Adequate arrangements for sanitation, hygiene, and watch and ward/security.
4. Arrangements with the nearest Government hospital for emergency medical care, and with the nearest Police Station for security requirements.

**FORM 'A'**  
**(See Rule 4)**

**AN APPLICATION FOR MAINTENANCE AND WELFARE OF PARENTS  
AND SENIOR CITIZENS ACT, 2007**

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS TRIBUNAL, \_\_\_\_\_, MIZORAM.

MCC No...../20\_\_\_\_\_

IN THE MATTER OF

Shri/Smt. ....

Petitioner

Vrs

Shri/Smt. ....

Opposite Party

-AND-

IN THE MATTER OF :

An application for maintenance u/s 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The humble petition/application of the above-named complainant,

**MOST RESPECTFULLY SHEWETH :**

1. That the petitioner is a citizen of India aged about ..... years belonging to ..... Community residing at ..... and as such, he/she is entitled all the rights and privileges enshrined in the Constitution of India and the rules thereunder.
2. That the OP is also a citizen of India belonging to ..... community residing at ..... and as such thin Hon'ble Tribunal has jurisdiction to try complaint.
3. That the Petitioner is ..... (Mention their relationship) of the Opposite Party and the Opposite Party who has monthly income of ' ..... and thus has sufficient means and liable to maintain the petitioner has neglected/refused to maintain her/him since .....( mention/year) and the petitioner who has no capacity to maintain herself/himself is in need of maintenance from the Opposite Party.
4. That the petitioner demands a sum of Rs.....pm as maintenance money from the OP or agrees to accept whatever amount this Hon'ble Tribunal fixed or deem fit and proper.
5. That this petition is submitted for bonafide ends of justice.
6. That the petitioner has not field any petition for maintenance against the OP elsewhere.

In the premises it tis prayed that your Honour may be pleased to admit this petition, issue notice to the OP to show cause as to why the petition should not be allowed as prayed for

And after hearing the parties be pleased to pass an Order directing the OP to give maintenance to the petitioner a sum of Rs...../- pm or as the petitioner a bides to accept whatever amount this Hon'ble Tribunal fixed or deem fit and proper.

Signature of petitioner.

VERIFICATION

Verified that the statements made in para ..... are true and correct to the best of my knowledge and belief and I put my signature on this the ..... day of ..... 20 .....

Signature of verificant

Form B  
[ (Rule 4(2)(b))]

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS TRIBUNAL, \_\_\_\_\_, MIZORAM.

MCC No. ....../20 \_\_\_\_

To,

Shri/Smt .....(Petitioner)  
S/o/D/o .....  
R/o .....

Subject:- Acknowledgement receipt.

Sir/Madam,

I am directed to inform you that : Maintenance Claim case filed by you against Shri/Smt ..... S/o/D/o ..... R/o ..... before the Presiding Officer, Maintenance Claims Tribunal, Mizoram Aizawl is duly verified/checked and admitted and registered as MCC No. .... 720 .....

This is for favour of information.

Signature and Designation  
of Issuing Authority

Ex-406/2014

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Form C  
[(See Rule 6(1))]

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS TRIBUNAL, \_\_\_\_\_, MIZORAM.

MCC No ...../20 \_\_\_\_\_

To,

Shri/Smt .....(Opposite party)  
S/o/D/o .....  
R/o .....

Subject:- Show cause notice.

Sir/Madam,

Whereas above Maintenance claim filed against you Shri/Smt .....  
S/o ..... R/o ..... You are hereby directed to appear in person  
before this Tribunal on ..... to show cause in writing as to why the petition should  
not be allowed/granted as prayeD for and you are hereby informed that if you failed to respond it the  
petition shall proceeded ex parte.

Copy of claim petition is also forwarded herewith.

Given under my hand and seal of the tribunal on the .....day of .....(Month) 20 .....

Signature and seal of the  
Presiding Officer.

Form D  
[(See Rule 6(3))]

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS TRIBUNAL, \_\_\_\_\_, MIZORAM.

MCC No ...../20 \_\_\_\_\_

To,

Shri/Smt .....(Opposite party)  
S/o/D/o .....  
R/o .....

Subject:- Summons served in MCC No \_\_\_\_\_/ 20 \_\_\_\_\_

Sir/Madam,

Whereas the maintenance claim case registered under MCC No \_\_\_\_\_/20 \_\_\_\_\_ is filed before  
this Tribunal and WHEREAS your presence is required to adduce evidence in the matter, you are hereby  
Summoned to appear before this court on \_\_\_\_\_ at 11:00 AM positively.

Ordered and given under my hand and Seal of the Tribunal on this \_\_\_\_\_ day of \_\_\_\_\_  
(month) 2010

Signature and seal of the  
Presiding Officer

Form E  
[(See Rule 3(1) and 10)]

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS TRIBUNAL, \_\_\_\_\_, MIZORAM.

In exercise of powers conferred to me by Rule 3(1) read with Rule 10 of the Mizoram Maintenance and Welfare of Parents and Senior Citizens Rules, 2012 read with section 18 of the Act, the following persons are hereby appointed as Conciliation Officers for Maintenance claims Tribunal, Mizoram, Aizawl with immediate effect for a period of ..... Years or until further orders whichever is earlier.

Sl. No.	Name and Address
1.	.....
2.	.....
3.	.....

Each of the Conciliation Officer is entitled Rs ..... /- per sitting as sitting allowance revisable from time to time.

The Maintenance Claim Case No. \_\_\_\_\_ of \_\_\_\_\_ (year) Between the parties viz. \_\_\_\_\_ vs. \_\_\_\_\_ is hereby referred to the Constitution Officer at Sl. No. \_\_\_\_\_ for effective conciliation as per the above mentioned Act and the rules.

Signature and seal of Presiding Officer  
Maintenance Claims Tribunal,  
\_\_\_\_\_, Mizoram

Memo No ..... dated the .....

Copy to : all concerned

Signature and seal of Presiding Officer  
Maintenance Claims Tribunal,  
\_\_\_\_\_, Mizoram

Form F  
[(See Rule 11(2))]

MEMORANDUM OF SETTLEMENT IN CONNECTION WITH MAINTENANCE CLAIM CASE No. .... / 20 ...

Shri/Smt .....  
S/o D/o .....  
R/o .....  
..... Petitioner

Vrs

Shri/Smt .....  
S/o D/o .....  
R/o .....  
..... Opposite party

Present : Shri/Smt ..... Conciliation Officer  
Dt: .....

**MEMORANDUM OF SETTLEMENT**

The complaint and the Opposite Party are present. The petition and reply to show cause notice are perused. The OP submitted that he has no sufficient means to satisfy the claim amount by the petitioner and also submitted that he is ready to pay Rs ..... /- per month as maintenance money for the complainant has also agreed the same. On hearing the parties and on perusal of record I am of the view that the petitioner adjudicated amicably.

Hence, the OP is directed to pay Rs. ..../- per month to the petitioner from month of .....20..... to meet his/her basic needs such as food, clothing, accommodation and health care until the petition breathes his last.

The OP shall pay the said maintenance money to the petitioner on or before expiry of 15<sup>th</sup> day of the months and actual Payment Receipt of the same shall be submitted by the OP to the Tribunal on or before expiry of 20<sup>th</sup> day of the months without fail.

The above memorandum of settlement are made in our presence, as agreed by me and the OP without any undue influence force or coercion in the presence of the Conciliation Officers arid in witness thereof the parties hereunto have put our signature in their presence and they also put their signature in our presence on the date, month and year aforementioned .

- 1. (Signature of the petitioner)
- 2. (Signature of the OP)

Signature of Conciliation Officer

Copy:

- 1. Petitioner
  - 2. Opposite party
  - 3. Presiding Officer, Maintenance Claims Tribunal for favour information.
- Copy of Order/Memorandum of settlement is enclosed herewith.

Signature of Conciliation Officer



Form G  
[(See Rule 11(2))]

To,

The Presiding Officer, Maintenance Claims Tribunal,  
\_\_\_\_\_ MIZORAM

Subject: Forwarding Memo of Settlement

Ref: MCC ...../20 .....(Disposed)

Sir,

Under rule 11(2) of the Rule, I have the honour to forward herewith memorandum of settlement made by and duly signed by the parties in my presence and also duly signed by me in their presence on the date and month mentioned therein for your favour action under Rule 12(1) & (2) of the Rule.

Thanking You

Yours faithfully

Encl: As above

(  
Conciliation Officer

Form H  
[(See Rule 11(3))]

To,

The Presiding Officer, Maintenance Claims Tribunal,  
\_\_\_\_\_ MIZORAM

Subject: Return of MCC No. .... /20 .....

Ref:- Your Memo No ..... dated

Sir,

Under rule 11 (3) of the Mizoram Maintenance and Welfare of Parents and Senior Citizens Rules, 2012 Rules I have the honour to state that the parties have failed to reach amicable settlement between themselves on the ground among other things that the OP denies liability on the claim and the parties also refused to accept my proposal as a result of which I am constrained to return the case for favour of your disposal under rule 13 of the Rules.

Thanking You

Yours faithfully

Encl: As above

(  
Conciliation Officer

**FORM 1**  
**(See Rule 15)**

BEFORE THE PRESIDING OFFICER MAINTENANCE CLAIMS  
APPELLATE TRIBUNAL, \_\_\_\_\_, MIZORAM

Main Claim Appeal No ...../ 20 .....  
(A/oMCCNo ...../20 \_\_\_\_\_)

IN THE MATTER OF:

Shri/Smt.....  
S/o/D/o .....  
R/o .....

Appellant

Vrs

Shri/Smt.....  
S/o/D/o .....  
R/o .....

Respondent

-AND-

IN THE MATTER OF:

An appeal under rule 16(1) of the Mizoram Maintenance and Welfare of Parents and Senior Citizens Rules, 2012 to set aside and quash the impugned order dated passed by the Id Presiding Officer Maintenance Claims Tribunal, Mizoram Aizawl in Maintenance Claim case No.....20 /.....

The memorandum of appeal of the above named appellant,

MOST RESPECTFULLY SHEWETH:

1. That the appellant is a senior citizen who is also maintenance claimant against the respondent herein in connection with Me case No/20 and being aggrieved by the impugned Order dated passed by the PO, Maintenance Tribunal \_\_\_\_\_, Mizoram Preferred the instant appeal for the ends of justice.

Copy of impugned order dated .....  
is annexed hereunto and marked as Annexure 1.

2. That on being aggrieved by the Order dated .....passed by the Id lower tribunal the appellant prefers this appeal under the following inter alia grounds:

GROUND:

- (1) That the Id lower tribunal has erred in law and in fact in passing the impugned order without application of mind
- (2) That the Id lower tribunal has entirely failed to appreciate the grounds advanced by the appellant and evidence adduced by the appellant in connection thereto.
- (3) That the order .....
- (4) .....

3. That this appeal is preferred in time and for the bonafide end of justice.

In the premises it is prayed that. Your Honour may be pleased to admit this appeal, call for the Record, issue notice to the respondent to show cause as to why the appeal should not be allowed as prayed for.

And after hearing the parties be pleased to set aside and quash the impugned order. Pending disposal of the appeal be pleased to stay the operation of the impugned order.

And for which act of kindness the appellant as in duty bound shall ever pray.

Appellant.

Verifies that the averments made in para .....of appeal are true and correct and the rest are my humble submission before this Tribunal and in witnesswherof I put my signature on this the..... 20..... .

Verificant

Form J  
[See Rule 16]

BEFORE THE PRESIDING OFFICER MAINTENANCE CLAIMS  
APPELLATE TRIBUNAL, \_\_\_\_\_, MIZORAM.

Main Claim Appeal No .....I 20 .....  
(A/oMCCNo.....I 20 \_\_\_\_\_)

To. Shri/Smt.....(Complainant)  
S/o/D/o.....  
R/o .....

Subject: Acknowledgement receipt,

Sir/Madam,

I am directed to inform you that Maintenance claim Appeal filed by you against Shri/Smt ..... S/o/D/o ..... R/o ..... before the Presiding (Officer, Maintenance Claims Appellate Tribunal, Mizoram Aizawl is duly verified/checked and admitted and registered as MCA No...../20..... is fixed for hearing

This is for your favour information.

Signature and Designation  
of Issuing Authority

Ex-406/2014

- 20 -

Form K  
[See Rule 17 (1)]

BEFORE THE PRESIDING OFFICER, MAINTENANCE CLAIMS  
APPELLATE TRIBUNAL, \_\_\_\_\_, MIZORAM.

MCC No ..... /20 \_\_\_\_\_

To.

Shri/Smt .....(Complainant)  
S/o/D/o .....  
R/o .....

Subject: Show cause notice.

Sir/Madam,

Whereas above appeal has been filed against you by Shri/ Smt..... S/o  
.....R/o..... You are hereby directed to appear in person  
before this tribunal on.....

and to submit a reply to show cause as to why the appeal should not be allowed/ granted as prayed for and  
you are hereby informed that if you failed to respond it the appeal shall be proceeded ex parte.

Copy of Memorandum of appeal is also forwarded herewith.

Given under my hand and seal of the tribunal on the .....day of ..... (Month) 20.....

Signature and seal of the Presiding Officer