



Abstract

Social Welfare and Nutritious Meal Programme Department – Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007) Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 – Issue of orders Fixing of Minimum Standards/Essential Standards in the Old Age Home run by NGO's – Writ filed for improvements – Directions of the Hon'ble High Court of Madras – Complied with - Revised Orders – Issued.

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

G.O. (Ms) No.83

Date: 23.11.2016

துன்முகி, கார்த்திகை 8

திருவள்ளூர்வராண்டு, 2047

Read:

1. From Thiru. S. Krishnamurthy Representation dated 07.08.2015.
2. From the Government Pleader High Court Chennai Letter No. W.P.No.22967/2015, dated 31.12.2015 and 20.10.2016.
3. From the Hon'ble High Court of Madras Order dated 11.01.2016 in W.P.No.22967/2015.
4. G.O.(Ms)No.16, Social Welfare and Nutritious Meal Programme (SW6(1))Department, dated 09.02.2016.
5. From the Hon'ble High Court of Madras orders dated 15.02.2016 in W.P.No.22967/2015.
6. From the Government Pleader Letter No. W.P.No.22967/2015, dated 29.02.2016.
7. Government Letter No.11314/SW 6(1)/2015, dated 08.03.2016 addressed to Commissioner of Social Welfare and Even number Letter dated 28.03.2016 addressed to DIPR.
8. From the Commissioner of Social Welfare Roc No. 3543/GRII/2016, dated 26.04.2016 and (Even number letter dated 18.07.2016).
9. Government Letter No. 11314/SW6(1)/2015-8, dated 22.04.2016 addressed to Government of India.
10. From the Deputy Secretary to Government of India, Ministry of Social Justice Empowerment, F.No.15-43(3)/2015-16/AG.2 (Vol.2) dated 22.04.2016.
11. From the Hon'ble High Court of Madras Order dated 21.07.2016 (in W.P.No.22967/2015).
12. Government Letter No. 11314/SW6(1)/ dated 26.08.2016, addressed to Joint Secretary to Government of India, Ministry of Social Justice Empowerment (Even number letter dated 07.09.2016, addressed to Government Pleader High Court of Madras).
13. From the Government Pleader Letter No. 22967/2015, dated 08.09.2016.
14. From the Joint Secretary to Government of India, Ministry of Social Justice Empowerment, D.O Letter No. 15/43(3)/ 2015/16/AG II(Vol.II), dated 06.10.2016.
15. From the Government Pleader letter dated 24.10.2016.

16. From the Writ Petitioner in W.P. No. 22967/2015 of Hon'ble High Court of Madras, Thiru. S. Krishnamurthy, Letter dated 24.10.2016.
17. From the Director of Social Welfare Letter No. 3543/Gr.2/2016, dated 23.11.2016.

ORDER:

One Thiru. S. Krishnamurthy (Senior Citizen) has filed a writ [W.P.No.22967/2015] before the Hon'ble High Court of Madras and the prayer of the petitioner in the W.P.No.22967/2015 is as follows:-

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

2. The First Bench of Hon'ble High Court in their order dated 11.01.2016 in the aforesaid Writ Petition among other things have observed that, **we do believe that both the State and the Central Governments should endeavour to ameliorate the problem of the Senior Citizens and if the State Government is concerned about these citizens, we would expect something to be stated before us by the next date.**

3. The Government in consultation with the Commissioner of Social Welfare has passed Government Order fourth read above (viz., G.O. (Ms) No. 16, Social Welfare and Nutritious Meal Programme (SW6(1)) Department, dated 09.02.2016) Fixing Minimum Standards/Essential Standards to be maintained in Old Age Homes run by NGO's for effective monitoring of Old Age Home and Welfare of Senior Citizens and placed the above fact before the Hon'ble High Court of Madras. The Hon'ble court perused the same and in their order dated 15.02.2016 has observed that the above mechanism for redressal of grievance is not comprehensive enough dealing with issues relating to Old Age Homes and in **order to find out whether any improvement needs to be made in the Government Order, we permit persons having interest or stake in such matters to make suggestions to the State Government. Necessary publicity may be given in this behalf within two weeks, inviting any further suggestions. With a period of two weeks thereafter, these suggestions can be processed and the picture emerging from the same will be sent to the Central Government. The Central Government would in turn make available its comments within a period of four weeks of the receipt of such comments to get a final picture.**

4. As per the above directions wide publicity has been caused for the publication as per rules in force for inviting suggestion for the persons having interest or state regarding improvements, if any to be made in Government Order fourth read above as directed by Hon'ble High Court.

5. The Director of Social Welfare has stated that he has received suggestion from 20 individuals to improve the implementation of Senior Citizen Act and other guidelines formulated for their welfare. The Government examined the same and forwarded all the suggestions and the remarks of Director of Social Welfare in the form of comprehensive notes to the Government of India, Ministry of Social Justice and Empowerment for their comments as per the above orders of Hon'ble Court.

When the above matter came up for hearing the Hon'ble High Court upon perusing the matter issued direction in their order dated 21.07.2016 granting 3 weeks time to Government of India to give their own comments for purpose of any improvement of the Government Order, whereafter the State Government is required to place the draft Government Order before the Court and listed the matter for next hearing on 17.10.2016.

6. In pursuance of the above direction, the Government of India, Ministry of Social Justice and Empowerment vide in their letter dated 06.10.2016 (14th read above) have compiled the various suggestions on the above matter [numbering 51] and forwarded their comments suitably incorporating the comments received from Ministry of Urban Development and Ministry of Housing and Urban poverty alleviation also for each of the above 51 suggestions to pursue necessary action by the State Government.

7. In this regard the Government Pleader in his letter dated 24.10.2016 (15th read above) has informed the Government that the above Writ Petition came up before the Hon'ble First Bench of Madras High Court on 18.10.2016 and the Hon'ble Court observed that the Central Government submitted the recommendation that was handed over to the State Government. After hearing the arguments, their Lordships passed the following order:-

"A copy of the same (Government of India comments on the above 51 suggestions) has been handed over to the petitioner in Court and if there are any suggestions to be made by him, may also communicate it to the State Government through the Government Pleader within one week.

List on 28.11.2016."

8. As per the aforesaid orders of the Hon'ble Court, the said Writ Petitioner has handed over his suggestions in his letter dated 24.10.2016 (16th read above) to the Government through the Government Pleader and the Government Pleader has requested the Government to file an appropriate affidavit before the Hon'ble Court on or before 24.11.2016 as the above matter was listed on 28.11.2016. On perusal of the suggestions of above Writ Petitioner as Communicated in his letter dated 24.10.2016 he has stated that out of the total 51 suggestions putforth in this regard, 35 are positive where both Central and State Government accepted which is an encouraging sign where in the writ petitioner have complemented the Central and State Government for their openness and requested to reconsider certain 6 suggestions which have been prepared not to accept.

9. As per the Hon'ble Court's directions, the Government carefully examined the various suggestions received from the persons having interest regarding improvements, if any to be made in G.O. (Ms) No.16, Social Welfare and Nutritious Meal Programme (SW6(1)) Department, dated 09.02.2016 [for fixing of Minimum Standards/Essential Standards to be maintained in Old Age Homes run by NGO's] alongwith the comments of Director of Social Welfare, further comments offered by the Government of India and the additional suggestions putforth by the above Writ Petitioner in his letter dated 24.10.2016 and after analyzing all the 57 suggestions, only 30 suggestions were found to be relevant to the Welfare of Senior Citizens relating to the retirement homes which fall under the category of lease based/ownership based homes etc., and the rest of the suggestions were found to be either already covered (or) inconsistent (or) enacted under other laws (Real

Estate (Regulation and Development)) Act, 2016; Urban and Regional Development Plan Formulation and Implementation (URDPFI) Guidelines, 2014 – <http://moud.gov.in>; Model Building Bye Laws, 2016; Pradhan Mantri Awas Yohna (PMAY) – Housing For All (Urban Mission launched by the Govt. on 25.06.2014) and hence the Government decides to incorporate the aforesaid 30 relevant suggestions made for the Welfare of Senior Citizens at the appropriate place in the Government Order 4th read above and to issue a consolidated revised order in addition to the orders issued therein for fixing of Minimum Standards/Essential Standards to be maintained in the old age homes run by the NGO's for immediate implementation and accordingly the Government issue an improved order that in supersession of the orders already issued in the G.O. 4th read above, the Government approve Fixing of **revised Minimum Standards/Essential Standards** to be maintained in old age homes run by Non-Governmental Organization as indicated in the annexure to this order for implementation with immediate effect. Copies of Government of India, Ministry of Housing and Poverty Alleviation Letter No. 1-18011/7/2016-H/FTS-16416, dated 28.09.2016 along with the specific provision under PMAY for Senior Citizens are enclosed for reference.

10. The Director of Social Welfare and all District Collectors are directed to take necessary action on the above in accordance with law with immediate effect.

(By Order of the Governor)

K. Manivasan
Secretary to Government

To
The Director of Social Welfare,
Chennai-32
All the District Social Welfare Officers
(through the Director of Social Welfare,
Chennai-32)
Spare Copy/Stock Copy

//Forwarded by Order//

E. Jayaram
24/11/16
Section Officer
62-50
24/11/16

ANNEXURE

(G.O. (Ms) No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016)

Fixing of **Revised** Minimum Standards / Essential Standards in Old Age Home

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

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

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

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

1	Upto date information of all the Old Age Home should be available in an accessible format, to assist in their decision making regarding choice of old age homes.
2	Each inmate should have the right to consultation and participation to the extent practical in the organization of the residential care setting and his /her life within it and must be reflected in the functioning of the home.
3	Each inmates consent should be obtained with regard to medical care, treatment and it must be in accordance with the law.
4	Each inmates right to dignity and privacy should be respected.
5	Each old age home should be secular and respect the faith and religious sentiments of the residents.
6	The complaints of each resident his /her family, advocate or representative and visitors are heard to and acted upon and ensure that an effective redressal procedure. Each establishment or group of institutions should collectively act to provide for neutral third party intervention for grievance redressal. An in-house mechanism to resolve day today issues/complaints to be established.
7	Each resident should be given written contract/statement of terms and conditions with the registered provider of the residential care setting. Old Age homes is compulsory Registration of all a written contract is compulsory.
8	Each residents/inmates of the home are to be safeguarded and not exposed to or subjected to risks of any nature as well as their deposits in the home.

9	His/her Care should be taken to see that he or she does not suffer unnecessarily from illness caused by the excessive, inappropriate or inadequate consumption of medicines.
10	Each Old Age Home should ensure that the inmates should continue to receive care till the end of his/her life or upto natural death. Further, they have the right to lead a life style that is consistent with his/her previous routines, expectations and preferences and satisfies his/her social, cultural, language, religious and recreational interests and needs.
11	per section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act "Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs the said transfer of property shall be deemed to have been made by fraud or coercion or under influence and shall at the option of the transferor be declared void by the Tribunal.
12	As per section 23 (2) of the Act "Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right."

II. Physical aspects:

1.	The Old Age Home should be located in a reasonably quiet and residential locality without any sound disturbances to the elderly. The home should be well protected with barbed wire fence.
2.	Name of the Home with complete address and supported by which scheme should be displayed prominently. It should clearly state whether it is a paid/Government aided/charity run homes.
3.	Space Requirements: As per Rule (16) of Tamil Nadu Maintenance and Welfare of parents and Senior Citizens Rule 2009, the following is prescribed.
	<p>The Old age home shall, as far as possible, have minimum area per Inmate as per the following norms.</p> <ol style="list-style-type: none"> 1. Area of bedroom/dormitory per inmate – 7.5 s.q.meters (Separate dormitory for Male & Female). 2. Living area or carpet area per inmate i.e. including 1 above plus ancillary areas like kitchen, dining hall, recreation room, medical room etc., but excluding veranda, corridor, etc., = 12 s.q.meters. 3. Separate rooms/dormitories for males and females. 4. There should be no open wells in the campus. Open wells if any should be kept closed. 5. The dormitories should compulsorily be in the ground floor.

4.	The Old Age Home should be properly ventilated, with concrete roofing, well maintained, spacious as per the norms. The floors should have carpets or wooden flooring to cover slippery surfaces.
5.	Safe Drinking Water and water enough for other purposes to be provided. Hot water may be provided depending on individual needs for drinking and washing purposed. R.O. water is suggested.
6.	<p>There should be separate space/room for the following:-</p> <ul style="list-style-type: none"> ➤ Sick persons – 200 sq.ft. with attached western toilet & bathroom. ➤ Recreation – Multipurpose hall 400 sq feet for prayer as well. ➤ Prayer. ➤ Kitchen with attached store room. ➤ Storage of Medicines and Health check up – separate room. ➤ Visitors Room. ➤ Reception /office room. ➤ Dining Room – tables and benches / chairs. ➤ Toilets and Bathrooms 1 per 5 persons – should be elder friendly with holders ramps / where ever needed. ➤ All rooms should be well lighted.
7	<p>Bedding facilities</p> <ul style="list-style-type: none"> ➤ Mattresses, Linens, Blankets, Pillows, towels, handkerchiefs to be provided to each inmate every year. ➤ Cot with side railings, one storage rack to be provided for each resident ➤ Washing facilities for the above to be ensured regularly – washing machine may be used.
8.	<p>Medical facilities</p> <ul style="list-style-type: none"> ➤ First aid box (Dressing Material, Beta dine Solution, Cotton, Gauze) ➤ Thermometer ➤ BP apparatus ➤ Weighing machine ➤ Stethoscope ➤ Glucometer ➤ Nebulizer ➤ Saline Stand ➤ Wheelchairs ➤ Cameras should be installed in all rooms in the homes ➤ In addition to the above Medical facilities, Medical centre with full time nursing staffs and infrastructure may be facilitated in retirement homes. ➤ Physically challenged person and mentally ill inmates may be provided proper medical care and assistance and providing services of an Assistant for travel. ➤ In the event of death of inmates, the disposal of the bodies (funeral etc.) should be made hassle-free.

9.	<p>There should be sufficient number of cooking vessels and food serving dishes and Adequate plates, tumbler's, mugs for usage.</p> <p>Other Facilities:</p> <ul style="list-style-type: none"> ➤ Emergency Lamps ➤ Fans/Walkers ➤ Television/Radio ➤ Telephone ➤ Refrigerator ➤ Cooking and heating arrangement. ➤ Washing Machine/Make use of Dhobi for washing Bedsheets/Bedcovers. ➤ UPS, geysers for hot water bathing, storage cupboards. <p>Further as regards disabled older persons the institution should have toilet facilities with reference to Disabilities Act.</p> <p>Special buzzers should be fixed for terminally ill patients and immovable inmates so that they can call for help.</p> <p>Care givers should accompany elders to hospital. Arrangements should be made to get necessary medical help in emergency situations.</p>
10.	<p>Admission criteria: (Older persons in the age group of 60 years and above)</p>
	1. Destitute Older Persons.
	2. Deserted Older Persons (elders couple should be accommodated in a single home wherever possible).
	3. Abandoned Older Persons.
	4. Admission should be opened for all case, creed, colour and disability.
III	Services
	<p>The under mentioned services should be provided at the old age home.</p> <ul style="list-style-type: none"> ➤ Food: Three meals (breakfast, lunch and dinner) and two tea/coffee & snacks should be provided at the home. ➤ Medical: The Medical Officer should visit the home weekly – Nurse and counsellor, cook and helpers should be in house staff. ➤ Recreational: Recreational facilities such as books, magazines and newspapers, (national dailies as well as newspapers in Local language) indoor games, radio/transistor, Television etc. (minimum of 35 inches) should be available in dormitory. ➤ Activities should be designed for get together and interaction between inmates. NSS volunteers from schools and colleges from locality can be asked to organise such activities. The children of inmates must also be involved in such community activities. ➤ The residents of OAH should be allowed to draw Govt. pension. They should be helped to obtain maintenance through Senior Citizen Act. ➤ Productive activities: The inmate should be usefully involved in various productive activities like gardening, envelope making, garland making, basket making.

	<ul style="list-style-type: none"> ➤ Hobbies: The inmates should be encouraged to pursue their hobbies like reading, writing, playing indoor/outdoor games, singing etc., ➤ Meditation/Prayers: The inmates should be regularly engaged in meditation and prayers in the morning and evening. ➤ Outing: The inmates should be taken out on local outing like temple, fairs, plays and places of tourist interests at least once in 3 months ➤ Physical: The inmates should be involved in light physical exercise like yoga etc., under proper supervision. Games should be played in the evening Singing songs (Devotional) and other past time activities may be designed depending on the age category and health status of the inmates. ➤ In addition to the above service facilities, food and essential services in Senior Citizens home projects shall never be stopped under any circumstances
IV	<p><u>Visitors:</u> Meeting with the guardian/relative should be encouraged once a week.</p>
V	<p><u>Minimum facilities for Older Person:</u> Clothing: Four sets of clothing in a year/two bed sheet/Pillow covers. Toiletries: Sufficient hot water, coconut oil, adequate toilet soaps, tooth brush, tooth paste.</p>
VI	<p><u>Health and Medical Care:</u></p> <ul style="list-style-type: none"> ➤ Brief medical case history of the residents should be maintained. It should consist of photo, age, height, weight, blood group, allergies and ailments suffered by the older persons and medicines taken. ➤ Regular Doctor visit to be ensured. ➤ Regular Medical check-up should be done. Regular haircut and shave should be given to the inmates and they should be sporting a clean look and be healthy.
VII	<p><u>Staff: As per IPOP guidelines:</u></p> <ol style="list-style-type: none"> 1. Trained and experienced Care givers/Supervisors/Wardens should be appointed. 2. Care givers/Supervisors/Helpers/Wardens should have undergone training on Geriatric Care. They should be well qualified as Elders need care givers. 3. The following staff should be appointed for maintaining 25 older persons <ul style="list-style-type: none"> ➤ Superintendent/Warden/Manager 1 ➤ Social Worker / Counsellor 1 in house ➤ Cook 1 ➤ Assistant Cook 1 ➤ Helper /Care taker 1 in house ➤ Nurse 1 in house ➤ Sweeper

	<p>➤ Watchman Visiting authority: Doctor & Physiotherapist</p>
VIII	<p>Food:</p> <ol style="list-style-type: none"> 1. Adequate and appropriate food should be given food should be low in calories, Less fat. Nutritious and wholesome Food should not be denied at any cost to any inmate for any reason. 2. Daily menu chart should be exhibited in the Kitchen, dining hall and in the office room stating the time for breakfast, lunch, snacks in the evening tea/coffee and dinner. 3. Quantity served should be sufficient and easily digestible. 4. Quality of food should be ensured and satisfy the standard of dietetics, health and hygiene. 5. Food should be served in hygienic environment and with care. Elders should be made to eat in groups.
IX	<p>Management of Governance:</p> <ol style="list-style-type: none"> a) Every institution should have one managing committee. b) The Managing Committee and Sub-committee should meet regularly – monthly once to discuss about the improvements of the home and standards. c) In the case of paid homes the residents can be allowed to form associations and also be represented in the Home Managing Committee. d) One person should be designated for the day to day supervision and the person should be legally responsible and accountable person. e) Separate dormitory should be maintained for male/female. f) No person should be ill-treated in the home. Elder abuse is strictly punishable and home notified as being non friendly and non elderly will be subject to closure. Elders should not be taken outside for work outside home. Elders shall not be asked to work for gain for the Owners/Secretary of free Old Age Home. g) It is the responsibility of the management to provide required basic amenities and training to the staff. h) It is the responsibility of the management to take care of the last rites of Senior Citizen. Senior citizens who are sent out of homes should be given a proper discharge summary duly signed by the secretary, and the next care giver. i) Management should be broad based with majority of elected representatives of the Fund Providers, with transparency in financial matters. j) Promoters shall be liable for structural defects upto 5 years from the date of completion, and for compliance with all rules, payment of taxes and obtaining completion certificates. k) In case of any dispute, the decision of the concerned court will be final and binding. The court order shall be followed in letter and spirit unless any stay is in operation. l) Pricing structure for property may be as per the existing market conditions.

	<p>m) As the senior citizens home is promoted as a legal entity, either as a Society or a Trust or in any other corporate form, they have to follow certain prescribed norms under its constitution or incorporation memorandum. As every entity has to face failure, voluntary or involuntary dismemberment, or simply closure through the abandonment or demise of the promoters, such eventualities have to be contended with according to existing related laws which is applicable in this case. In the circumstances where no such provision is made in the agreement, the Regulatory Authority shall intervene and take appropriate action to provide reliefs to senior citizens whose property/ security is in jeopardy.</p>
X	<p><u>Formation of Association</u></p> <ol style="list-style-type: none"> 1. Formation of an association of all purchasers can be made within three months of booking of the project by majority of allottees. This should be compulsory in ownership based homes, with rights to decide who should be service provider. 2. The residents may be allowed to form residents' Welfare Association/Committee to resolve their own problems.
XI	<p><u>Maintenance of the Homes:</u> The institution should arrange for:-</p> <ol style="list-style-type: none"> a) Proper cleaning of toilets, dormitories, wash basin and entire premises, Bathroom should not be slippery, railing facility should be provided. b) Arrangements should also be made for washing of older person's clothes. c) Proper system of garbage disposals, Disinfectant should be made. d) Regular which washing and painting should be undertaken. e) Safety of the building should be ensured and all the electrical lines should be covered, there should be proper lightening at night time. f) The drainage and wells, man/holes should be covered properly g) Fire extinguishers should be installed. h) Care should be taken to see that the drinking water and drainage water should not get mixed and proper vigil should be ensured, to avoid cholera, Diarrhea etc., due to water contamination. i) Residents should be encouraged to participate in the day-to-day activities which may be anything from cooking to maintain the cleanliness of the home. j) Periodically organise celebrations of various festivals and social events.
XII	<p><u>Funds and Accounts:</u></p> <ol style="list-style-type: none"> 1. Atleast 70% of the project related funds should be kept in ESCROW A/c to curb diversion and misuse. 2. Accounts of expenditure shall be given to residents at least every two months. 3. Accounts shall be audited annually by a qualified accountant and copies be circulated.

4. Electricity Bill shall be in the name of the residents and not in the name of promoter in case of ownership homes.
5. Collection of reserve fund from the residents, collection of additional food charges and maintenance charges with the motive of making profit by the promoter **shall not be entertained.**
6. Excess collection of security deposits and exorbitant collection of monthly charges from the inmates is forbidden. Grievance may be addressed to the notice of the regulating authority.

XIII**Records:**

1. Admission Register (A photo of the older person should be pasted in the register).
2. Brief history of inmates (indicating personal details of the inmates, their age, sex, educational qualifications, previous address, occupation, work experience, hobbies, income, details of the family members, relatives and friends and their addresses and contact numbers. It should also indicate in brief the reasons and circumstances leading to their admission in the home).
3. Visit/Inspection Register.
4. Doctor visit Register.
5. Donations received Register (Separate Register for cash/kind).
6. Register of assets (details of the physical assets, their number, date of procurement, replacement etc.
7. Medicine stock register (including details of the equipments, Medicines, purchases, number, date of purchases etc.,) date of purchase/date of expiry).
8. Ration and Vegetable stock register (including details of the stock purchased, quantity, issued balance etc.,).
9. Inmates movement register.
10. Register for those who return back home.
11. Staff attendance register.
12. Staff honorarium register (indication monthly remuneration paid to the staff with stamped receipt).
13. Bank pass book (for the money received from Grant-in-Aid).
14. Cash/ ledger book (indicating details of income, expenditure, daily cash in hand etc.,).
15. Network directory (indicating addresses and contact number of project in charge, medical officer, hospital, district headquarters etc.,).
16. Personal belongings and other valuable at the time of admission of the older persons.
17. Visitors register Death records and register.
18. Disaster/Hazard Management plan book with details of responsibility for each staff.

As per Rule 20, the District Collector, Chairman of District Committee of Senior Citizens, shall perform the duties and exercise the powers mentioned in sub rule (2) and (3) to ensure that the life and property of senior citizens of the district are protected and they are able to live with

	<p>security and dignity, oversee and monitor the work of Maintenance Tribunals and Maintenance officers of the district to ensure timely and fair disposal of applications for maintenance and execution of Tribunals orders. To oversee and monitor the Working of Old Age Homes in the district so as to ensure that they conform to the standards laid in the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 and to follow the minimum standards and guidelines and other orders laid down by the Government.</p> <p>As per rule 21, the District Superintendent of Police and in the case of cities having a Police Commissioner, shall take all necessary steps subject to such guidelines as the Government may issue from time to time for the protection of life and property of Senior Citizens.</p> <p>In Form A, under the application as per Rule 3 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 senior citizens may apply to a tribunal for counselling, food/maintenance, medical facilities, shelter, legal-aid, police assistance, maintenance, and assistance for initiating criminal proceeding.</p>
<p>XIV</p>	<p><u>REGISTRATION OF OLD AGE HOMES</u> is compulsory</p> <p>As per rule 12(2), The District Social Welfare officer shall have powers to inspect Old Age Homes maintained by individuals/a group of individuals / voluntary organisations/institutions/Charitable trusts/statutory bodies etc., and collect data from any of the above institutions running Old Age Homes.</p> <p>As per rule 12(3), any voluntary organisation/institution/individuals/a group of individuals/Charitable trusts/statutory bodies running Old Age Home shall register with District Social Welfare Office of each district.</p> <p>Documents to be submitted to register old age homes with District Social Welfare Officer are as below:-</p> <ol style="list-style-type: none"> 1. Building Stability Certificate of Ownership or rental buildings from chartered PWD Engineer. 2. Fire safety certificate to be obtained from Fire service department. 3. Sanitation certificate to be obtained for Deputy Director, Health Department. 4. Building license from Tashildar. 5. Registration of Trust/ Society & Renewal for current year. 6. Bye-laws, aims & objectives resolutions. 7. Staff details with qualifications, salary given and photo. 8. Residents photos 9. 3 Years audit statement 10. 3 Years annual report 11. Nutrition chart 12. DSWO Inspection report 13. District Collector's recommendation for License/ Registration of the Old Age Home.

XV**Registration and Legal Formalities:-**

1. Structure of Agreements:- In case of outright purchase of retirement homes, the owner should have absolute right to sell off the unit to any senior citizen after informing the promoter in advance. The seller should fulfill his obligation to the entity as per mutual agreement.
2. Any breach of agreement can result in de-registration/cancellation of the entity entailing action as per existing legal provisions.
3. Exit option for residents as well as the promoter can be included in the lease agreement / transfer of ownership agreement.
4. If the promoter does not wish to comply with the related rules in force as well as the conditions mentioned in this Government Order, he/she shall have the option to convey the same in writing and exit from the project subject to compliance with all requirements and other related laws.
5. For houses built entirely with deposit of residents, the ownership should be handed over to the residents as per Law.
6. Registration of all bilateral lease agreements in case of lease homes shall be made with the competent authorities and any amendment/modification can be made with the approval of the registering authority if these are not inconsistent with any law in force.
7. Any modification of the lease agreement and abiding of terms and conditions by all senior citizens' homes (lease or otherwise) on mutual consent may be registered under competent authority as per rules/orders in force.
8. In case of ownership homes the residents may also be entitled to appreciation in value of property which may be specified in the agreement, in consistent with other related laws in force.
9. Reasonable share of appreciation in value of property to the owner of the homes can be specified in the agreement.
10. Long term Bi-lateral agreement beyond one year tenure can be registered under appropriate rules or in compliance with other related laws in force.
11. Any bilateral agreement between the Promoter and the Senior Citizen which is of a long term nature have to be compulsorily registered under appropriate rules or in compliances with other related laws in force so as to avoid revenue loss to the state failing which penalty shall be levied and unpaid amounts will be collected to recover the loss of revenue to the state as per the relevant Law.

XVI**Regulating authority:-**

As per rule 23 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 the regulating authority in each district will be the District Committee of Senior Citizens and has been established in each

<p>XVII</p>	<p>district. As per the Rule 23(2) the above said District Committee shall consist of the following members:-</p> <table border="0"> <tr> <td>1. District Collector</td> <td>Chairman</td> </tr> <tr> <td>2. District Superintendent of Police</td> <td>Member</td> </tr> <tr> <td>3. Deputy Director (Health)</td> <td>Member</td> </tr> <tr> <td>4. Revenue Divisional Officer</td> <td>Member</td> </tr> <tr> <td>5. District Social Welfare Officer</td> <td>Member Secretary</td> </tr> <tr> <td>6. Organisation Ageing field (2 persons)</td> <td>Member</td> </tr> <tr> <td>7. Prominent Senior Citizens (2 persons)</td> <td>Member</td> </tr> </table> <p>Nodal authority:-</p> <ol style="list-style-type: none"> 1. The District Social Welfare Officer who is the Conciliation Officer under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 is nominated as the Nodal Officer also so as to entertain complaints lodged by the Senior Citizens and the pending cases also shall be transferred to the Nodal Officer for taking action as per the existing rules/orders in force. 2. The nodal authority shall entertain complaints lodged by residents against the promoters within 90 days of taking charge. Complaints already lodged by senior citizens/residents with other competent authorities in the State shall be transferred to the nodal authority and shall be given priority for investigation/resolution within the above prescribed time limit. 	1. District Collector	Chairman	2. District Superintendent of Police	Member	3. Deputy Director (Health)	Member	4. Revenue Divisional Officer	Member	5. District Social Welfare Officer	Member Secretary	6. Organisation Ageing field (2 persons)	Member	7. Prominent Senior Citizens (2 persons)	Member
1. District Collector	Chairman														
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4. Revenue Divisional Officer	Member														
5. District Social Welfare Officer	Member Secretary														
6. Organisation Ageing field (2 persons)	Member														
7. Prominent Senior Citizens (2 persons)	Member														
<p>XVIII</p>	<p>The Non-Official members shall be nominated by the District Collector concerned. The tenure of the Non-Official members of the District Committee shall be three Years.</p>														
<p>XIX</p>	<p>The District Committee should meet once in every 3 months. The above said District Committee shall be assigned with the following duties and responsibilities:-</p> <ol style="list-style-type: none"> 1. The District Committee shall perform the role of inspecting all the programme and activities deemed necessary for the effective implementation of the Act. 2. Review the cases dealt by the maintenance officer appointed as per the Act. 3. To review the status of applications their timely disposal and timely assistance provided on the maintenance order. 4. Monitor the functions of the Tribunal and advice for the effective implementation of the Act. 5. Network and coordinate with voluntary and civil society organisations working in the field of the welfare of senior citizens. 6. Organize quarterly meeting with all stakeholders at district level to review the implementation of the Act. 7. Network and co-ordinate with all Government departments to build intersectoral Linkages on the issues related with the protection of life and property/ finances of Senior Citizens. (Rule 20 and 21) 														

	<p>8. Conduct activities and programmes essential for periodic sensitization of the public, Government officials, and NGOs on the salient features of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007) and the rules framed there under viz., Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.</p> <p>9. Review the functioning of old age homes in the district and ensure that they conform to the norms given in the Minimum Standards/Essential Standards</p> <p>10. The District Committee have the right to cancel the license/registration of Old Age Homes which do not follow the minimum standards and on shifting the inmates to other eligible registered homes have to initiate closure of above such homes.</p> <p>11. The district committee should review the calls attended via 1253 helpline and follow up action taken to address the needs of distressed Senior Citizens.</p> <p>12. The district committee should build the data base on Senior Citizen homes/age care services in their respective district and it should be updated periodically.</p>
XX	As per section 27 of the Act, No Civil Court shall have jurisdiction in respect of any matter to which any provisions of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.
XXI	As per section 28 of the Act, No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made there under.
XXII	Any violation of the above rules by an individual/ group of individuals/voluntary organisation running old age homes is punishable under section 23 of the Senior Citizens Act and as per Rule 21(2)(XII) and Annexure IV of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.
XXIII	As per Section 11(2) of the Act, an order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure 1973 and shall be executed in the manner prescribed for the execution of such order by that code.

K. Manivasan
Secretary to Government

//Forwarded by Order//

E. Dayal
24/11/16
Section Officer

[Signature]
24/11/16

Encl. 1

By hand
549-29/9
426

No. I-18011/7/2016-H/FTS-16416
Government of India
Ministry of Housing & Urban Poverty Alleviation
(Housing Section)

Nirman Bhawan, New Delhi
Dated the _____ 2016.

Principal Secretary (SD)
E.O. Dy. No. *9/036*
Dated. *20/9/16*

OFFICE MEMORANDUM

Subject: Civil Writ Petition No. 22967 of 2015 in the matter of S.Krishnamurthy Vs Principal Secretary before the Hon'ble Madras High Court - reg.

E-Office C.O. Dy. No. *9/036* dt. *29.9.16*
Ministry of Social Justice & Empowerment
(Dept. of Social Justice & Empowerment)
C.A. Section, Nirman Bhawan

The undersigned is directed to refer to Ministry of Social Justice and Empowerment's D.O. No. 15-43(3)/2015-16/Ag.II (Vol.II) dated 12.9.2016 on the above mentioned subject and to say that in case a Developer collects money with the intent to pass on ownership of old age homes to buyers, then such a development would come within the purview of the Real Estate Act. In such cases, all proposed compliances in the Real Estate (Rules & Regulations) Act will need to be followed by the Developer.

[Signature]
(Satinder Pal Singh)
Director (Housing)
Tele: 011-2306 1524

To
Secretary,
Ministry of Social Justice & Empowerment,
Deptt. of Social Justice & Empowerment,
Shastri Bhawan,
New Delhi-110001.

JS (SD)
29.9.16

DS (Ageing) - o.L

US (Ag)

[Signature]

Pl put up by 3rd October

PPS to monitor

Pradhan Mantri Awas Yojana (PMAY)-Housing for All (Urban) Mission

Specific provisions for Senior Citizens under PMAY-HFA (U) are as under:

Verticals	Central assistance admissible	Provisions for Senior Citizens
i. "In situ" Slum Redevelopment with participation of private developer using land as resource.	A slum rehabilitation grant of Rs. 1 lakh per house on an average is provided by Gol in all such projects.	The extant Guidelines (Para 4.8.10) stipulate that while making the allotment, families with physically handicapped persons and senior citizens should be given priority for allotment on ground floor or lower floors.
ii. Promotion of Affordable Housing for weaker section through Credit Linked Subsidy Scheme.	An interest subsidy of 6.5% on home loans upto Rs. 6 lakhs for a tenure upto 15 years is provided by the Gol for both EWS/LIG categories.	Since the subsidy is available for acquisition of house from open market / construction of their own house, beneficiary has automatic choice for preference of floor and therefore provisions in the PMAY(U) Guidelines are not required.
iii. Affordable Housing in partnership with public or private sector	Central assistance of Rs. 1.5 lakh per EWS house is provided by the Gol in projects where at least 35% of the houses in the project are for EWS category and a single project has at least 250 houses.	Extant Guidelines (Para 6.5), inter alia, stipulate that preference in allotment may be given to senior citizens. Further while making the allotment, the families with differently-able persons and senior citizens may

		be allotted house preferably on ground floor or lower floors.
iv. Subsidy for beneficiary-led individual house construction or enhancement.	Rs.1.5 lakh per house is provided by Govt for EWS category for those who have not been able to take advantage of other three components.	Since the beneficiary himself is the owner of land, no provision in PMAY(U) Guidelines is required.

(A copy of Mission Guidelines enclosed)