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## THE LEGAL

## ANALYST

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# MAINTENANCE AND WELFARE OF PARENTS AND SENIOR

Aged parents have become a matter of burden for his family has resulted because of degenerating traditional traditional of the joint family system. Aged paressulted because of degenerating traditional values of the joint family system. Stories of elderly manufactures are a structure of the joint family system. Structure of the joint family system. Stories of elderly people from the streets after being ill-treated in hecome common. The elderly at bever perher than putting them size families, are sureers after being ill-treated by their baye become common. The elderly should be seen as a blessing that baye Rather than putting them aside to be cared for sample but the lines of Rather than putting them aside to be cared for separately should be integrated into the lives of communities where the possibility should be integrated into the lives of communities where the should be integrated constitution to the lives of communities where the should be integrated into the lives of communities where the should be integrated into the lives of communities where the should be integrated into the lives of communities where the should be integrated into the lives of communities where the should be seen as a blessing the should be integrated into the lives of communities where the should be integrated into the lives of communities where the should be seen as a blessing the should be integrated into the lives of communities where the should be seen as a blessing the should be integrated into the lives of communities where the should be seen as a blessing the should be integrated into the lives of communities where the should be should be seen as a blessing the should be integrated into the lives of communities where the should be should where the substantial constitution to improving Social Condition substantial constitution to improving Social Conditions. This substantial out a perspective regarding awareness about the substantial out the subs substance Act and law that can improve the times of the maintenance Act and law that can improve the times of the maintenance act and law that can improve the times of the maintenance act and law that can improve the times of the maintenance act and law that can improve the times of the maintenance act and law that can improve the times of the maintenance act and law that can improve the times of the maintenance act and law that can improve the times of th The trans our analysis awareness about the various are of the maintenance Act and law that can improve the lives of the spects of the maintenance Maintenance are india. Signards Parents, Welfare, Maintenance.

India has fundamental right under Art.21 of Constitution with dignity i.e., right to a standard of living and the standard of lin The second well-being of himself and his family, including food well-being of himself and his family, including food, clothing, and medical care and necessary social security and the right and went of the security in medical care and necessary social security and the right to security in medical care sickness, disability, widowhood and an example of unemployment, sickness, disability, widowhood medical calculation, security and the right to security in medical city, widowhood, old age or other of unemployment, sickness, disability, widowhood, old age or other of unemployment ances beyond his control. ments, usability, wid

The joint family system prevalent in the country ensured that the needs The jumin are taken care of at a stage where they are unable to look after the because family has been the most vital non formal. fit the transfer are unable to look after because family has been the most vital non formal social security for however nuclear families are tolding to however nuclear families are taking their place and joint gradually withering away. The regional is gradually withering away. The rational Indian value system miles at the main problem is financial indian value system multi-s in old age the main problem is financial insecurity. The financial nancial of two third of population of senior citizens is not good. They live alone Their basic requirement is to live with dignity.

The parameters laid down in the Preamble and the concepts of welfare are the guiding principles. For security and protection through the means win-political-economic justice, the state shall strive to reduce the equalities in income, status and provide facilities and opportunities. In order achieve these goals some statutory provisions are provided for the upliftment क्ष्मां persons or senior people in every sphere of their lives. The maintenance nd welfare of parents and senior citizens Act 2007 is most prominently one of

The Act is very brief with only 32 sections. Some of the salient features of E Act are);

1) 2)

It provides for summary proceedings within a period of of date of filing a petition in s specially constituted Tribunal for day.

The senior citizen may either apply in person or through a voluntary organization register in the senior citizen. the senior citizen may either apply ... Person or through authorized by him or through a voluntary organization registered and a netition will suo moto take it on a netition

authorized by i.m.

Societies Registration Act.

The Tribunal on receipt of a petition will suo moto take it on file appropriation by a conciliation officer within a period of one file and one moonth.

The power of a first class magistrate and only the analysis of the power of a first class magistrate and only the concentration of the concentr The Tribunal on receipt of a permon with a period of one file and the receipt of a period of one file and the receipt of a first class magistrate and the adduce evidence from and file

the Tribunal enjoys the power of a first class magistrate and the potential of the potentia The Tribunal enjoys the power of a first same procedure of a civil court to adduce evidence from the petition a maximum and the petition of th 4)

the respondent. The Tribunal can pass an order granting a maximum  $\sup_{0 \in \mathbb{R}_3} \sup_{0 \in \mathbb{R}_3$ 

monthly as maintenance to the series.

The person against whom an order for maintenance has been passed the order within one month, failing which the passed the order within one month. The person against whom an order to.

The person against whom an order to.

comply with the order within one month, failing which the passed to the passed t

imprison him or her up to a period of officer to act as maintenance to conduct the proceedings for and on behalf of the The Act provides for the district the proceedings for and on behalf of the second three second transfer as maintenance as maintenance as maintenance and even to conduct the proceedings for and on behalf of the second transfer as maintenance as m 8)

citizens.

The Act provides for the establishment of old age homes for the state governments.

Preferential treatment should be given to the senior citizens in the hosping medicines and also are Preterential treatment should be sometimes and also promotion like separate queues, treatment, offering medicines and also promotion

10) Appearance of the lawyers before the tribunal is not permitted.

11) A senior citizen who has transferred his property either to his son daughter or near relative, by virtue of a gift, can now get it cancelled applying to the Tribunal, if he or she is neglected by the done.

During the pendency of the petition the tribunal is empowered to grate

In Paramjit Kumar Saroya v. Union of India and another<sup>1</sup>, [AIR 2014 Pa 121]. The Punjab and Haryana High Court examined the Act in detail at requested the central government to re-examine some provisions of the Act th were ambiguous. Thus Union Cabinet thus approved the Maintenance an Welfare of Parents and Senior Citizens (Amendment) Bill. 2019, which aims to provide for the maintenance and welfare of parents and senior citizens for ensuring their basic needs, safety and security, establishment, management and regulation of institutions and services, and rights guaranteed under the Constitution. The Bill amends the maintenance of parents and Senior Citizens Key Features of the Bill<sup>2</sup>:

Definition of children has been expanded: In the Act, the term 'children' refers to children and grandchildren, excluding minors. The Bill and stepchildren adoptive obitation of the legal to the legal and the legal to the legal and the legal to the l adds stepchildren, adoptive children, excluding minors. ...

The Maintenance and Welfare of Parents and Senior Citizens Act. 2007.

TAIR 2014 P&H 121. PMaintenance and Welfare of Parents and Senior Citizena (Amendment) P&E, 2019

perintion of a childless senior citizen, excluding minors, who possess perintion of a his property after death. The Bill amends permitton of relatives mas been expanded: The Act defines a relative as senior citizen, excluding minors, who possess or childless senior death. The Bill amends this to include the property after death. The Bill amends this to include the property inherit legal guardians. perintion a childless semor cruzen, excluding minors, who possess or a childless after death. The Bill amends this to include the heir heir heir legal guardians.

The first defines a relative as property after death. The Bill amends this to include the heir heir heir legal guardians.

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The first defines a relative as property after death. The Bill amends this to include the heir heir heir legal guardians.

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he inherit mis property after death. The legal guardians.

he inherit mis property after death. The legal guardians.

he inherit mis property after death. The legal guardians. the influence of parents has been expanded: The Act defines parents to would represented by then legal guardians.

The Bill expands the parents to adoptive, and step-parents. The Bill expands the parents biological, adoptive, and grandparents biological, both parents-in-law and grandparents. pefinition of parents has been expanded: The Act defines parents to adoptive, and step-parents. The Bill expands this pefinition biological, adoptive has been expanded: The Act defines parents to the Bill expands this pefinition to include both parents-in-law and grandparents.

perint biological, audpuve, and step-parents. The Bill perint biological, both parents-in-law and grandparents.

perint biological, audpuve, and step-parents. The Bill perintion biological, audpuve, and step-parents. expands this product of parents and grandparents.

Notice to include the provision of food, residence, and maintenance has been expanded: Under the Act, definitions includes the provision of food, residence, and maintenance includes the provision of food, residence, and maintenance this bill adds healthcare, safety and the provision of food, residence, and maintenance this bill adds healthcare, safety and the provision of food, residence, and maintenance this bill adds healthcare, safety and the provision of food, residence, and maintenance this bill adds healthcare, safety and the provision of food, residence, and maintenance this bill adds healthcare, safety and the provision of food, residence, and the p definitions of maintenance mas peen expanded: Under the Act, definitions includes the provision of food, residence, and medical pernitenance includes healthcare, safety, and security for parents maintenance, this bill adds healthcare to lead a life of dignity to it. permitted includes the provision of food, residence, and medical neintenance includes the provision of food, residence, and medical neintenance, this bill adds healthcare, safety, and security for parents and neintendance, this bill adds healthcare includes to lead a life of dignity to it.

Attendance includes the provision of food healthcare includes the provision of food healthcare.

attendance, une to lead a life of dignity to it.

senior citizens to lead a provision of foot attended to reach the provision of food, healthcare, and other amenities senior citizens; this bill adds housing, clothing safety for senior citizens; the well being safety for senior citizens. senior citizens; this bill adds housing, clothing, safety, and welfare includes are provision of roou, nealthcare, and other amenities welfare includes the provision of roou, nealthcare, and other amenities after includes the provision of roou, nealthcare, and other amenities after the well-being of a senior citizen or roou, nealthcare, and other amenities and other amenities well-being of a senior citizen or roou, nealthcare, and other amenities well-being of a senior citizen or roou, nealthcare, and other amenities well-being of a senior citizen or roou, and roou, nealthcare, and other amenities well-being of a senior citizen or root provision. Wellar for semon crazers, and and nousing, clothing, safety, and necessary for the well-being of a senior citizen or parent other amenities necessary for the well-being of a senior citizen or parent other amenities.

Naintenance Tribunale ..... Maintenance Tribunals which may direct children and relatives to pay a maintenance fee of up to Rs 10,000 to parents maintenance fee of up to Rs 10,000 to parents and senior monthly maintenance the upper limit on the maintenance senior monthly maintenance the upper limit on the maintenance fee. The citizens. may take the following into consideration while decitizens. The Bin Tellion on the maintenance fee. The citizens, may take the following into consideration while deciding the Tribunals may take amount:

ntenance amount. The standard of living and earnings of the parent or senior citizen, maintenance amount:

Appeals: The Act provides for senior citizens or parents to appeal the Appeals: The her production of the maintenance Tribunal. The Bill allows children and decisions of the Tribunal relatives also to appeal decisions of the Tribunal.

Maintenance officer: The Act provides for a maintenance officer to Maintenance officer to represent a parent during proceedings of the Tribunal. The Bill requires represent a particular for maintenance with orders on maintenance maintenance officers to ensure compliance with orders on maintenance payments, and act as a liaison for parents or senior citizens.

Establishment of care-homes: Under the Act, state governments may set up old age homes. The Bill removes this and provides for senior citizen care homes which may be set up by the government or private organizations. These homes must be registered under the state government. The central government will prescribe minimum standards for these homes, such as food, infrastructure, and medical facilities.

· Healthcare: The Act provides for certain facilities (such as separate queues, beds, and facilities for geriatric patients) for senior citizens in government hospitals. The Bill requires all hospitals, including private organizations, to provide these facilities for senior citizens. Further, home care facilities will be provided for senior citizens with disabilities.

Appointment of Nodal Police Officers for Senior Citizens in every Police Station and District level Special Police Unit for Senior Citizens has been included.

the penalty for the Offences and penalties: The Bill increases abandonment of a senior citizen or parent from the imprisonment of up THE LEGAL ANALYST

 $[v_{ol}]_{\chi_{\widetilde{l}_{ol}}}$ to three months to imprisonment between three and six months to imprison ment between three and six months are also in the imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between three and six months are also imprison ment between the six months are also imprison ment between the six months are also imprison ment between the six months are also imprison ment bear and six months are also imprison ment between the six months a to three months to maintenance order by children or relatives of up to maintenanch, or until the payment is not up to maintenanch, or until the payment is not up to maintenanch, or until the payment is not up to maintenanch, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month, or until the payment is not up to one month is not up to up to up to one month is not up to up t to three months to me Rs 10,000. The bill also provides the months to me Rs 10,000. The bill also provides the to three month, or until the payment is made to one month, or until the payment is made comply with the name month. Tribunals where the complete the compl to thick Rs 5,000, maintenance or until the payment is maintenance or until the payment is maintenance or until the payment is made of up to with the mone month, or until the payment is made or until the payment is until the

imprisor Bill:

Maintenance Thounais which is Maintenance amount for the Maintenance and relatives. The Bill State officers will decide the maintenance amount for and relatives. The Bill State of the officers will be calculated based on (i) the state of the parent or senior citizen, and (ii) the state of the parent or senior citizen, and (ii) the state of the parent or senior citizen, and (ii) the state of the parent or senior citizen, and (iii) the state of the parent or senior citizen. Analysis of the Bill:

under administrative ome children and reductes. The Bill state administrative by children acculated based on (i) the state senior citizens and (ii) the stand senior amount will be calculated based on (i) the stand stand senior citizen, and (ii) the earn maintenance amount or senior citizen, and the earn maintenance of the parent of senior may not have the carrier of the parent administrative of the parent of senior citizen, and (ii) the standard and earnings of the parent of senior amount payable maintenance amount payable maintenance amount payable senior and (ii) the earning and (ii) the earning of the parent or senior and have the judicial and earnings of the parent of senior and earnings of the parent of senior and the parent of senior and the parent of senior and the judicial and earnings of the parent of the maintenance amount payable.

Administrative maintenance amount payable children. Administrative maintenance affected if states do not be senior of the parent of senior cannot be a and earn Administrative of the june, and nave the june children. Administrative maintenance amount payable, required to determine the maintenance affected if states determined to determine the Bill may be affected if states determined to determine the Bill may be affected if states determined to determine the maintenance amount payable. children. Admine the mannet be affected if states do not have Implementation of the Bill may be affected if States do not have Implementation of the Bill define.

Implementation of "relative" is ambiguous. The Bill defines "relative" funds.

Definition of a childless senior citizen. However, the senior childless senior citizen. funds.

Definition of "relative" is ambiguous. However, the senior citizen. However, the senior citizen to time. Therefore, there is no finally legal heir of a childless senior citizen. Therefore, there is no finally legal heir of a childless and therefore who must be senior citizen.

Definition of a childless senior time. Therefore, there is no finally change his will from time to time. When the legal heir, and therefore who must maintain, it legal heu or time to time. The legal heir, and therefore who must maintain the would be the legal heir, and therefore who must maintain the would be citizen.

citizen.

Definition of homecare services not specified the Bill sets requirements providing homecare services to senior citizens.

Definition of homecare services are services to senior citizens who institutions providing homecare services to senior citizens who institutions providing activities of daily life due to physical for institutions providing noncease of daily life due to physical or difficulties performing activities include: (i) hiring trained or these requirements include: difficulties performing activities include: (i) hiring trained and or impairments. These requirements include: (ii) hiring trained and or impairments. impairments. These requirements and (ii) registering with a registration attendants or caregivers, and (ii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers, and (iii) registering with a registration attendants or caregivers. attendants or caregivers, and (ii) attendants or caregivers, and (iii) attendants or caregivers, and ( homecare services include.

homecare services included to the criteria of Appointment. There are no provisions related to the criteria of Appointment.

Jury in the tribunal.

The appellate authority of the maintenance tribunal has not provided in the bill.

#### Conclusion:

The Ambiguity of the bill must be resolved through the amendment

• There should be a mechanism to audit the old-age home at the m

 The definition of Grandchildren should be clear. Most of the society follows the patriarchy where the maternal grand-parents are connected with.

Though there are several numbers of laws and govt. policies made in protection of rights of senior citizens and old parents but nothing much been achieved so far. As we all know that our Indian society is blended culture and emotion it is really very difficult for parents to drag their child the doors of court or tribunal and in most of cases they start forgiving sacrificing their rights. Because of this, the next generation does not have the proper lesson.

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<sup>1</sup>https://www.prsindia.org/billtrack/maintenance-and-welfare-parents-and-senior citizens-amendment-bill-2019. Retrieved on 08.02.2021.