

The Maintenance and Welfare of Parents and Senior Citizens

January 6, 2020

Source: *PRS India*

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in Lok Sabha. **The Bill amends the Maintenance and Welfare of Parents and Senior Citizens Act, 2007**

Key features of the bill

- **Definition of children:** In the Act, the term 'children' refers to children and grandchildren, excluding minors. The Bill adds stepchildren, adoptive children, children-in-laws, and the legal guardian of minors to the definition.
- **Definition of relatives:** Further, the Act defines a relative as the heir of a childless senior citizen, excluding minors, who possesses or would inherit his property after death. The Bill amends this to include minors represented by their legal guardians.
- **Definition of parents:** The Act defines parents to include biological, adoptive, and step parents. The Bill expands this definition to include both parent-in-laws and grandparents.
- **Other definitions:** Under the Act, maintenance includes provision of food, residence, and medical attendance. Welfare includes the provision of food, healthcare, and other amenities necessary for senior citizens. The Bill expands the definition of:
 1. Maintenance, to include provision of healthcare, safety, and security for parents and senior

citizens to lead a life of dignity

2. Welfare, to include provision of housing, clothing, safety, and other amenities necessary for the well-being of a senior citizen or parent.

- Maintenance orders: Under the Act, state governments constitute maintenance Tribunals which may direct children and relatives to pay a monthly maintenance fee of up to Rs 10,000 to parents and senior citizens. The Bill removes the upper limit on the maintenance fee. The Tribunals may take the following into consideration while deciding the maintenance amount:

1. The standard of living and earnings of the parent or senior citizen, and
2. The earnings of the children.

- **The Act requires children and relatives to deposit the maintenance amount with the relevant parent or senior citizen within 30 days of being ordered to do so. The Bill reduces the number of days to 15.**

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

- **Maintenance officer:** The Act provides for a maintenance officer to represent a parent during proceedings of the Tribunal. **The Bill requires 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 government or private organisations. These homes must be registered with a registration authority set up by 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 require all hospitals, including private organisations, to provide these facilities for senior citizens. Further, home care facilities will be provided for senior citizens with disabilities.
- **Protection and welfare measures:** The Bill requires every police station to have at least one officer, not below the rank of Assistant Sub-Inspector, to deal with issues related to parents and senior citizens. **State governments must constitute a special police unit for senior citizens in every district. The unit will be headed by a police officer not below the rank of Deputy Superintendent of Police.**
- **Offences and penalties:** The Bill increases the penalty for abandonment of a senior citizen or parent from imprisonment of up to three months to imprisonment between three and six months, and fine of up to Rs 5,000, to Rs 10,000. The Bill also provides that failure to comply with the maintenance order by children or relatives may lead to imprisonment up to one month, or until the payment is made.