

RIGHTS AND ENTITLEMENTS

MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

All Indian citizens are entitled to fundamental rights guaranteed to them by the Indian constitution to which senior citizens are no exception. Thus, to protect their rights and to avoid the Elder Abuse, the '**Maintenance and Welfare of Parents and Senior Citizens Act, 2007**' came into force.

- "Senior Citizen" is any citizen of India of 60 years and above whether living in India or not.
- "Parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen.
- "Children" are adult son, daughter, grandson and grand-daughter.
- "Relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death.
- "Maintenance" includes provision for food, clothing, residence and medical attendance and treatment.
- "Welfare" means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

WHO CAN DEMAND MAINTENANCE UNDER THIS ACT?

- Parents and grandparents unable to maintain themselves from their own income.
- In case of "Childless Senior Citizen", senior citizens can demand from the relatives. Relatives mean those who are either in possession of property of the senior citizen or would inherit it.

WHAT IS MAINTENANCE?

- Maintenance includes provisions for food, clothing, residence and medical treatment.
- Maximum amount which may be ordered for maintenance of a senior citizen by the tribunal shall be such as prescribed by the state government which shall not exceed Rs.10,000/- per month.

HOW IS APPLICATION FOR MAINTENANCE MADE OR DECIDED?

- Application can be made by the senior citizen or parent to the tribunal under Section 4, giving details of person from whom maintenance is demanded.
- Maintenance proceedings may be initiated against the specified child/relative in any district where such senior citizen lives or last lived.
- If any person is incapable to make an application, then any other person or registered voluntary organization authorized by him/her can make the application.
- The tribunal then issues the notice to the children, conduct hearings and order maintenance.
- In case there is a failure in making the payment of the ordered maintenance without sufficient reason for 3 months after its due date, the senior citizen can approach the tribunal again.
- On such delay, fine or order of imprisonment of the children /relative up to a month can be made or until payment is made.

CONDITIONAL TRANSFER OF PROPERTY:

Under Section 23, if after commencement of the Act, any parent or senior citizen feels neglected or is denied the basic needs and amenities as promised by the children/relative, then the transferred property can be cancelled and they can seek return of their property transferred.

PUNISHMENT:

Under Section 24, if anybody who is responsible for the care of the senior citizen leaves him/her in any place with the intention of wholly abandoning such person, is punishable with imprisonment of either 3 months or fine up to Rs.5000 or both.

To know more click: <http://socialjustice.nic.in/oldageact.php?pageid=2>