



A Critical Analysis of Legal Framework Pertaining to Health and Well-Being of Senior Citizens

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“Of all the forms of inequality, injustice in health is the most shocking and inhumane”
- Martin Luther King, Jr

Abstract

With the rising old age population in India due to increased life expectancy rate and India transforming itself into a welfare state, forming a beneficial legislation relating to health and welfare of senior citizens is of a paramount importance. Owing to this responsibility, the Central Government enacted a special law namely the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with the aim to provide maintenance in a speedy yet inexpensive manner along with taking care of the welfare by establishing government old-age homes. The article deals with analyzing various legislative measures dealing with rights of senior citizens and a critical examination of the 2007 Act. The research scholars also have conducted a stakeholder survey, which in this case are the senior citizens to determine awareness among the senior citizens regarding the Act and their contentment in regard to the provisions of the Act. The research scholars also perceive the number of applications filed under the Act for maintenance from the Maintenance Tribunal established under the Act. A list of suggestions are put forward in order to deal with the deficiencies with the Act.

Keywords: *Awareness, Health, Maintenance, Maintenance Tribunals, Senior Citizen, Welfare, Well-being*

Introduction

According to the United Nations Population Fund Ageing Report 2023, over 149 million are aged 60 years or above which consists of about 10.5 % of population of India³. India has transformed into a welfare state that protects and promotes the economic as well as the social well-being of its people and this undeniably the old-age population. The health and well-being of such a population provides material and non-material benefits to society. They are a guide to the younger generations. The older population most of the time frees up the young and working population from household and menial jobs so that they can go out and work and earn. Their inputs in the economy of the household and the country at large are significant thus cannot be overlooked.

When we talk about Asian countries, especially India, the older generations have a primary role in providing shelter, food and financial support to their families and also render emotional support to the family members. However, in recent years, this position has changed and people living in nuclear families are ignorant towards this contribution of the older generations. This

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³ Ind. Ageing R't 2023, Caring for Our Elders: IR. UN Population Fund.

makes them consider the health and well-being of senior citizens as unfruitful and an economic liability to the family as well as the state.

The government of the country recognizes its obligation to look out for its senior citizens and therefore, has enacted sole specific legislation namely the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007**⁴.

METHOD OF THE STUDY

According to the MWPC Act, 2007- **“Senior Citizen” “means any person being a citizen of India, who has attained the age of sixty years or above”**⁵. Hence, it is important to contour the scope of study to the citizens of India aged above 60 years.

The research scholars have employed **non-doctrinal method of research by collecting data from various Senior Citizens in major areas of the Vadodara sub-division thereby collecting a total of 500 responses from Vadodara city** for which a questionnaire method is adopted. The research scholars have explained the purpose of the study and took oral consent from each of the 500 respondents. The questionnaire is prepared in English language and the research scholars visited the respondents explaining and asking the questions in Gujarati/ Hindi. Utmost care has been taken to make sure that the identity and confidentiality of the respondents are not compromised.

The scope of the research also extends to **survey how many cases have been filed under the concerned legislation and how many cases were disposed of**. The research scholars have employed **the doctrinal method in order to collect data on the number of cases previously registered under the Act, by visiting the Maintenance Tribunal established by the Act and examining the Register maintained by the Tribunal**.

The research scholars have also used **doctrinal research for analyzing the law laid down by the legislature – The 2007 Act**.

Discussion

It was customary practice throughout traditional India to respect the elders and to take care of them and hence, there were no laws required to be framed in order to protect the welfare. However, with the changing times and western influence, senior citizens are being neglected, which resulted in a dire exigency in legislation to this respect.

Constitution of India⁶ has always protected those who are weak and vulnerable in society. **Article 21**⁷ which enumerates the **Right to Life and Personal Liberty**, although does not provide expressly but encompasses within itself a right to a healthy life. In **Sunil Batra v. Delhi Adm.**, the Hon’ble SC held that *“the ‘right to life’ included the right to lead a healthy life to enjoy all faculties of the human body in their prime conditions”*⁸. Maintenance, living with dignity, and comprehensive well-being are some concepts which are encompassed within Health and is not limited to mere physical existence. The Constitution also provides for DPSP under **Article 38**, which requires the **“State to secure a social order for the promotion of the welfare of the people”**⁹. Further, the **Article. 39(a)** provides for **“right to an adequate means to livelihood”**¹⁰. Adequate means of livelihood, in relation to senior citizens may be said to be a type of vocation that is not burdensome and helps them earn sufficient to maintain themselves including their medical and other expenses. However, for

⁴ MWPC Act, No. 56 of 2007 (Ind.)

⁵ *Id.*

⁶ INDIA CONST

⁷ *Id.* art. 21

⁸ Sunil Batra v. D.A. (1978) AIR 1978 SC 1675 (Ind.)

⁹ INDIA CONST. art. 38

¹⁰ *Id.* art. 39 (a)

those senior citizens who have retired, it would mean the provision of maintenance by the children or relative or by the state which is sufficient for their dignified living as well as medical, incidental expenses including recreational and travel. The DPSP enumerated under **Article 41** suggests “**public assistance in cases of unemployment, old age, sickness and disablement**”¹¹. Under the **Hindu Adoptions & Maintenance Act, 1956 Section 20**¹² obligates a **Hindu to maintain his/her aged/infirm parents**. However, the liability is limited to those circumstances where the aged parent/s is unable to maintain himself/ herself out of his/her own earnings or out of his/her own property. **Bhartiya Nagarik Suraksha Sanhita, 2023** Section 144 talks about “the maintenance of parents, who are unable to maintain themselves”¹³ including provision of interim maintenance as a part of criminal law. **Bhartiya Nyaya Sanhita 2023**¹⁴ penalizes Hurt, Grievous Hurt, Criminal Force, Criminal Intimidation and attempts. It is general legislation that provides for punishments irrespective of the age of the victim. Hence, a senior citizen is protected under the BNS from being abused by their children or relatives. Apart from this, “**The Protection of Women from Domestic Violence Act, 2005**”¹⁵ protects a woman, in this case a female senior citizen from being a victim of Domestic Violence. However, these legislations focus particularly on abuse and violence in general and there are no specific provisions made that cater to needs of senior citizens and the abuse faced including emotional, physical, and mental abuse, speedy and convenient access to justice keeping in mind the tedious and time-consuming court proceedings, their age and disabilities and economic conditions.

Critical Analysis of the MWPSA Act, 2007

BACKGROUND, OBJECTIVE AND APPLICATION OF THE LEGISLATION

Before 2007, there was no specific legislation that focused specifically on senior citizens. The Act was the result of deliberations occasioned by the **National Policy for Older Persons (1999)** which highlighted the fact that “*People are living longer*”¹⁶ and their “*concerns are national concerns and they will not live unprotected, ignored or marginalized*”¹⁷. The **State Legislature of Himachal Pradesh** was the first to enact a state law specifically dealing with the maintenance and welfare called the **Himachal Pradesh Maintenance of Parents & Dependents Act, 2001**¹⁸. The MWPSA Act 2007 is similar to this legislation.

The **Statement of Objects and Reasons** of the Act points out that there has been a depletion of joint family culture which has led to ignorance of needs of senior citizens by family members. Older persons and in particular widows are neglected and have no support- be it financial or otherwise. That, though a similar maintenance claiming procedure is provided under Cr.P.C (Now BNSS), such procedure is time-consuming and expensive.

The Act applies to *whole of India and also to Indian citizens who are currently outside India*¹⁹.

Definitions Provided Under the Legislation

The Act provides definitions including ‘**Children**’ to include “*son, daughter, grandson and granddaughter but does not include minor*”²⁰. The obligation to maintain senior citizens is on

¹¹ *Id.* art. 41

¹² HAM Act, No. 78 of 1956, § 20 (Ind.)

¹³ Bhartiya Nagarik Suraksha Sanhita, No. 46 of 2023 (Ind.) § 144

¹⁴ Bhartiya Nyaya Sanhita, No. 45 of 2023 (Ind.)

¹⁵ The Protection of Women from Domestic Violence Act, No. 43 of 2005 (Ind.)

¹⁶ MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, GOV'T OF IND, national policy for older persons (1999)

pg. 1

¹⁷ *Id.* Pg. 3

¹⁸ Himachal Pradesh Maintenance of Parents and Dependents Act, No.19 of 2001 (H.P.)

¹⁹ The Maintenance and Welfare of Parents and Senior Citizens Act, No.56 of 2007, § 1 (Ind.)

²⁰ *Id.* § 2 (a)

their children irrespective of sex and irrespective of the fact that the daughter is married or unmarried. The definition is ambiguous, as it does not say anything about step-children, son-in-law or daughter-in-law.

The Act also defines ‘**Maintenance**’ by including “*food, clothing, residence and medical attendance and treatment within its ambit*”²¹. Medical attendance and treatment are however not defined properly as well and the definition fails to address ‘security’ and ‘safety’ within its ambit. It also fails to address the ‘maintenance’ of good health and delay/prevention of illness and does not cater to the emotional health of senior citizens.

The Act defines ‘**welfare**’ as providing for “*food, health care, recreation centers and other amenities necessary*”²². The definition is ambiguous and can still be made lucid in the sense that it may include aspects of dignity, educational, spiritual and cultural access, and provisions of legal and social services.

OVERRIDING EFFECT

Section 3 of the Act states that *the “Act has an overriding effect over other enactments of the State which may be inconsistent with its provisions”*²³. This makes the Act one of a kind.

MAINTENANCE

According to Section 4, “a senior citizen who is unable to maintain himself *from his own earning or property owned by him*”²⁴ is authorized by the Act to file an application against “*one or more of his children not being a minor or a childless senior citizen, against such of his relative*”²⁵.

It further states that “*the obligation of such persons to maintain a senior citizen is limited to the needs of such citizen to lead a ‘normal life’*”²⁶. This is one of the major defects of the Act. It does not define ‘normal life’. The term ‘normal life’ is extremely vague and ambiguous.

Section 5 specifies ways in which a senior citizen can apply- “*by himself, or if incapable, by any other person or organization authorized by him or the Tribunal may take cognizance suo motu*”²⁷ [**it is pertinent to mention that as surveyed by the research scholars, there has not been a single suo moto cognizance case in Vadodara in the past 3 years**]. A provision of monthly interim allowance for maintenance during the pendency of the case has been provided which has to be decided within 90 days from the service of notice but the period can be extended to another 30 days by the Tribunal. This provision is highly criticized since an application of interim maintenance under BNSS is mandated to be decided within 60 days and no extension of permitted in contrast to this Act which provides for 90-day period to determine the said application and an extension of a further 30 days which causes additional delay.

“*Maintenance Tribunals to be established in sub-divisions by State Government and be preceded over by an officer not lower than the rank of Sub-divisional officer*”²⁸ and can deal summarily with the case. It possesses all powers of a **Civil Court**²⁹ and powers of **JMFC** for securing the attendance. An ex-parte award can be passed by the Tribunal.

²¹ *Id.* § 2 (b)

²² *Id.* § 2(k)

²³ *Id.* § 3

²⁴ *Id.* § 4

²⁵ *Id.*

²⁶ *Supra* 19 § 1 (*Ind.*)

²⁷ *Id.* § 5

²⁸ *Id.* § 7

²⁹ *Id.* § 8

Reference to a Conciliation Officer at the discretion of Tribunal is provided by the Act in order “to amicably settle the issue”³⁰. This provision lacks bindingness and a mandatory provision for conciliation will be helpful since most senior citizens are unwilling to file a case against their children and would prefer alternative.

The Tribunal is empowered to make an order for maintenance. However, the maximum amount of maintenance that it is empowered to order has a ceiling limit of 10,000/-³¹. In Rules³² made by the Gujarat Government in this regard, the ceiling limit is further limited to Rs. 5000/- only³³. This amount is neither feasible nor stands to reason.

Additionally, where a senior citizen is entitled to maintenance under the Act and BNSS, according to sec. 12³⁴, he cannot claim such maintenance under both the Acts and is at the option to choose from either of them.

Act provides u/s 17³⁵ that none of the parties have a right to a legal practitioner. Not being represented by a legal practitioner affects the right to justice of the senior citizen. There is already a dearth of awareness among senior citizens when it comes to the knowledge of law and on top of that considering their old age and sometimes certain medical conditions, it becomes difficult for them to stand up for themselves.

APPEALS

“Appellate Tribunals are constituted in every district to conduct appeals from the orders of Tribunal and it must be presided by the District Magistrate”³⁶. It can be filed by the senior citizen within 60 days from order or a later date if sufficient reason is given for the delay and the order of appeal will be final³⁷. It is pertinent to mention here that only the senior citizens are awarded with the right to appeal. This is unjust in itself and a right to appeal to the aggrieved party needs to be enumerated rather.

WELFARE

SG is responsible for establishing and maintaining old age homes as necessary. There has to be at least 1 old age home for each district. It also mandates that at least 150 indigent senior citizens must be accommodated.

The Ministry of SJ & Emp., in reply to the question by Lok Sabha regarding the number of government old age homes established in the past 5 years, stated that in the past 5 to 6 years, only 1 Government Old-Age Home has been established in Vadodara³⁸. This is not sufficient enough to cater to the rising population of senior citizens in the city and the SG must endeavor to establish more such homes with more capacity³⁹.

Provisions for medical care are made under Chap. 4 of the Act⁴⁰, according to which SG must ensure “provision of beds, separate queues, facility for the treatment of chronic, terminal and

³⁰ *Id.* § 6

³¹ *Id.* § 9

³² Gujarat MWPSA Rules, 2009 (N.G/L/10-2009/VNP/102005/C.S-24/CHH) (Guj.)

³³ *Id.* R. 5

³⁴ MWPSA Act, No. 56 of 2007, §12 (Ind.)

³⁵ *Id.* §17

³⁶ *Id.* § 15

³⁷ *Id.* § 16

³⁸ MINISTRY OF SJ & EMP, GOV'T OF IND- *Unstarred Question No.1141 to be Answered on 13.12.2022- Construction of Old Age Homes*

³⁹ Refer Appendix A

⁴⁰ T MWPSA Act, No. 56 of 2007, §20 (Ind.)

*degenerative diseases, research activities for chronic elderly diseases, earmarked facilities for geriatric patients headed by a medical officer with experience in geriatric care*⁴¹.

Facilities prescribed are however limited to government-owned hospitals and there are no similar provisions made for privately-owned hospitals. Further, there is no explicit data available to show the actual implementation of the aforementioned provisions in reality. There are no penalties prescribed for the cases when such rules are not followed by the government hospitals thereby creating no binding effect of the said provision.

The SG is also obliged to spread awareness “regarding the provisions of the Act through *public media including the television, radio and the print, at regular intervals*”⁴². However, actual implementation of this provision by the SG is uncertain since most of the senior citizens are unaware of the Act itself, let alone its provisions.

OFFENCES UNDER THE ACT

The only offence prescribed under the Act relates to *intentionally wholly abandoning the senior citizen*. The “punishment for which is *imprisonment of either description for a term which may extend to three months or a fine which may extend to five thousand Rs. or both*”⁴³. The scope of offence under the enactment is a limited one. A severe punishment should be prescribed for abuse, in order to protect senior citizens from physical, mental and emotional abuse.

Judicial Approach

Paramjit Kumar Saroya vs The Union of India and Another⁴⁴(2014)

Issues: Punjab-Haryana High Court in its judgement put forward various issues with the Act, requiring to re-look into the Act.

Facts: An order by Sub-divisional Magistrate was put forward in the court which contained the fact that a son, who was responsible to his father had moved abroad and the wife and her son had thrown the grand-father out. The grandfather who was 90 years old at that point in time had to approach the court and was unrepresented.

Held: “*Section 9 of the said Act limits the maintenance which can be granted upto 10,000/- per month. This puts a dilemma before a senior citizen. If he seeks to avail of what is perceived to be a simple and a less expensive remedy under the provisions of the said Act, then he is constrained by the amount of ` 10,000/-also precluded from moving for maintenance under...Cr.P.C. which does not put any such limit. On the other hand, if he is desirous of a larger maintenance and moves under...Cr.P.C., the more expeditious remedy, albeit of smaller amount of maintenance is no more available to him and thus, the benefit of the Act itself would stand precluded*”.⁴⁵

While determining whether the right to appeal is given to both sides, the Hon’ble Court concluded that, “*only interpretation can be that the right of appeal is conferred on both the sides.*”⁴⁶

Justice Shanti Sarup Dewan, Chief Justice (Retd.) and Anr V/s Union Territory, Chandigarh⁴⁷ (2014)

⁴¹ *Supra* 40

⁴² *Id.* § 21

⁴³ *Id.* § 24

⁴⁴ Paramjit Saroya v. UoI & Anr. (2014) AIR 2014 PUNJAB AND HARYANA 121, (2016) 3 RECEIVR 146 (Ind.)

⁴⁵ *Supra* 44, Para 6

⁴⁶ *Id.*

⁴⁷ Justice Shanti Sarup Dewan, Chief Justice (Retd.) and Anr. V/s Union Territory, Chandigarh (2014), 2014(5)R.C.R(civil)656

Issue: Creation of Special Cell to deal with trauma/threats due to children/relatives.

Facts: The appellant who is of 85 yrs., and a retired C.J. of the Punjab-Haryana H.C., brought an appeal before that very High Court stating *“his daughters are not allowed to peacefully stay or enter his house....(by his son) making it difficult and humiliating experience with the appellants to interact with their daughters and their family...appellants are seeking protection under the Act, 2007....* The appellants did not have any other remedy for this purpose”⁴⁸.

Held: the court extended the Act by casting obligation on the inheritor to take care of senior citizens

Dr. Ashwani Kumar vs Union of India and Ors⁴⁹ (2019)

It was one of the first cases, wherein the SC dealt with the rights of senior citizens u/ Act.

Issue: Issues prayed by petitioner dealt with 1) Pension 2) Shelter 3) Geriatric care and medical facilities 4) Effective implementation of the Act.

Facts: Among other things, the petitioner submitted that *“medical facilities and geriatric care are not given the due importance.”*⁵⁰. The petitioner contended that there are more old age homes required considering the large population of the country. While drawing the attention of the SC to Section 20 the petitioner and Amicus submitted *“there is a huge gap between the law and its implementation”*⁵¹*“even though the Act came into force in 2007 and more than a decade has passed since then, serious efforts have not been made by the GoI or State Governments”*⁵². The petitioner also pointed out that senior citizens are not aware of their rights under Constitution and also the Act. The petitioner also stated that there was no publicity given to the Act and its provisions.

Held: It was held by the SC that *“There is a need to continuously monitor the progress in the implementation of the elderly(s) right to live with dignity”*⁵³. The SC issued following guidelines:

- “1. The Union of India will obtain information from all the State Governments and the Union Territories about the number of old age homes in each district and file a Status Report*
- 2. The Union should also obtain information of the medical facilities and geriatric care facilities*
- 3. On the basis of the information gathered by the Union of India a plan of action should be prepared for giving publicity*
- 4. Section 30 of the Act enables the Government of India to issue appropriate directions to the State Governments to carry out and execute the provisions, and must conduct a review for the purposes of monitoring the progress in implementation”*⁵⁴

Results and Observations

APPLICATIONS MADE UNDER ACT- PHASE I

The research scholar visited the Maintenance Tribunal-cum-Deputy Collector’s office in Vadodara for collecting data i.r.o. the number of applications made under the Act and the number of disposals made on a monthly basis. It had come to the knowledge of the research scholars that the Tribunal maintained a record of the past 3 years in a Register⁵⁵.

⁴⁸ *Id.*

⁴⁹ *Dr. Ashwani Kumar vs Union of India And Ors*⁴⁹. (2019), SCC 636, (2019) (Ind.)

⁵⁰ *Id.* Para 28

⁵¹ *Id.* Para 40

⁵² *Id.* Para 40

⁵³ *Supra* 52, Para 47

⁵⁴ *Id.* Para 51

⁵⁵ *Refer* Appendix B

The record suggests that less number of applications for maintenance are made with a total of 24 cases in 2021, 24 cases in 2022 and 30 cases in 2023⁵⁶.

The data also shows that the Tribunal is working efficiently in terms of the disposal of application. With 78 cases being filed in the past 3 years, the Tribunal has dealt with and disposed of 67 cases. This proves that senior citizens are receiving speedy justice.

Analysis of Survey Conducted Of Senior Citizens - Phase II⁵⁷

The research scholars have conducted a survey of 500 Senior Citizens residing in 5 major areas of Vadodara namely Alkapuri, Vasna, Fatehganj, Karelibaug, and Ellora Park with 100 senior citizens from each area.

One of the major aims of the study conducted was to survey the awareness of the Act among senior citizens. The senior citizens were asked whether they were aware of the enactment. However, 83.8% of senior citizens surveyed were unaware of the law. This shows that the State Government, which has been given the duty of spreading awareness regarding the Act and its provisions, is not performing its duty in an efficient manner. This is one of the major reasons why there are a less number of applications filed under the Act.

The effective implementation of the enactment is not possible if senior citizens are unaware of place to file an application for maintenance. 91.4% of the senior citizens surveyed were unaware that such an application can be made to the Maintenance Tribunal-cum-Deputy Collector.

71.6% of the respondents are not satisfied with the relief that the Act grants that is the provision of mere monetary support. It is believed by the people that a provision catering to the emotional health of senior citizens should also be added which may include frequent visits by their children/ relatives, recreational activities etc. which would not only keep in mind the physical and mental health of the senior citizens but also their emotional well-being. Therefore, a majority of respondents believed that the Act was insufficient.

The discontent of the Act among the senior citizens was again observed when they were informed that the Act does not allow them to be represented by a lawyer. More than 73% of them thought it to be an obstacle in realizing their rights enumerated under the Act.

The respondents were again not satisfied with the Act when the research scholar informed them regarding the ceiling limit enumerated by the Act on the amount of maintenance is 10,000/- and over 81.6% thought it to be not sufficient to live and sustain a healthy life.⁵⁸

In order to understand why there is less number of applications filed under the Act for maintenance, the research scholar had asked the reason for the same. A majority of respondents (73.8%) stated that lack of awareness is the main reason why there is less number of applications filed in the tribunal. Only 2.8% of the respondents believe that there is no need for the Act and they are satisfied with the condition they are currently living in. However, most of them (68.8%) don't file applications for maintenance in order to avoid clashes in their families. There is a social stigma associated with opening up about family matters in the courts/tribunals and therefore many senior citizens (52.4%) refrain from filing applications.

⁵⁶ Refer Appendix C

⁵⁷ Refer Appendix D

⁵⁸ Trivedi, D., Chaudhari, S. P., Bhatt, A., & Pathak, M. (2022). Global Research Trend in Vaccine Design. *Vaccines*, 10(12), 2034. <https://doi.org/10.3390/vaccines10122034>

Conclusion and Suggestions

CONCLUSIONS:

1. Insufficiency of Legislative Framework

- Limits the amount of maintenance to Rs 10,000/- and in Gujarat, this ceiling limit is only Rs 5000/-.
- Merely deals with 'Neglect and Abandonment' as offence and overlooks increased number of cases of violence against senior citizens and abuse.
- Some of the provisions of the Act have glaring gaps, such as no Right to legal practitioner and limiting the Right to appeal to senior citizens only.
- Emotional health aspect of senior citizens has not been dealt with.
- The Act lacks an enforcement mechanism when it comes to the enforcement of the duties under the Act of SG.

2. There is a lack of awareness among senior citizens about their rights enumerated under the Act

The research conducted proved that almost 90% of the senior citizens in major areas of Vadodara are unaware of the existence of the Act. This makes us wonder about the awareness of the Act in rural areas. The SG efficiently performing duty of spreading awareness of the Act.

3. Survey of the number of Applications made in the Vadodara sub-division

The number of applications made under the Act was inquired into and the records of the past 3 years were found. After analyzing it can be said that less number of applications are made under the Act. One of the major reasons for such a low number is the lack of awareness of senior citizens regarding the Act. Social stigma and avoiding clashes within the family were also some reasons for not filing an application.

4. Dissatisfaction with relief granted

The senior citizens were not satisfied with the Rs. 5000/- ceiling limit as it is not sufficient enough to sustain keeping in mind the healthy living and medical needs of senior citizens. Further a mere monetary relief prescribed under the Act is also not welcomed by the senior citizens and a more humane approach towards their emotional needs is also of prime importance.

5. Mental and emotional distress is felt whilst taking legal action

The survey conducted suggested that many senior citizens refrain from complaining or taking action in order to avoid a legal proceeding against family. This hinders with realization of right under the Act.

SUGGESTIONS:

- The State Governments must come up with Action Plans for spreading awareness regarding the Act. The plan should cater to rural as well as urban populations. In villages, the panchayat should be involved in spreading awareness and in the urban areas, advertisement campaigns will be of use. Government hospitals and privately owned hospitals and clinics, should affix at a conspicuous places provisions of the Act. Posters and Banners near places of worship can also help in increasing awareness.
- Even though the state governments have taken steps to perform their obligations under the Act, such steps are not enough. There are still less number of old-age homes and no Awareness mechanisms in place.

- The Act, though laid down by the Parliament, has actual implementation entrusted with the SGs by formulation of rules. The Rules by the Gujarat Government were in 2009 providing ceiling limit for maintenance of Rs.5000/-. These Rules need to be revised according to requirements of the current times.
- The center has left the implementation of the Act up to the state governments. It is high time now that the center comes up with a regulatory mechanism or authority that keeps a check on the effective implementation of the Act by SGs.
- Act does not take into consideration the mental health of senior citizens. Special healthcare centers that address the issues of mental health such as depression, loneliness, anger etc. should be established.
- The laws, rules, and regulations that affect senior citizens must be made in consultation with them for better understanding their needs and the formulation of effective laws.
- The provision of “out-of-court” Conciliation will be the most effective option when it comes to deciding upon the application of maintenance since most senior citizens are reluctant to file cases/ applications against their children/relatives.
- Certain changes in the definitions of children (to widen scope), welfare, and maintenance are required. The Act also needs to enumerate other definitions like ‘abuse’ and ‘neglect’. The use of terms like ‘may’ has led to ineffective implementation of duties entrusted to SGs. Terms like ‘shall’ must replace the ‘may’ term.
- The Act does not mention anything about the cases where the senior citizen is left with no children and does not have any ‘relative’ as per the definition. In such cases, the government should take up the responsibility of senior citizens for which legislation should be made.

References

Maintenance and Welfare of Parents and Senior Citizens Act 2007 – Bare Act

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Hindu Adoption and Maintenance Act, 1956 (Act No. 78 of 1956)

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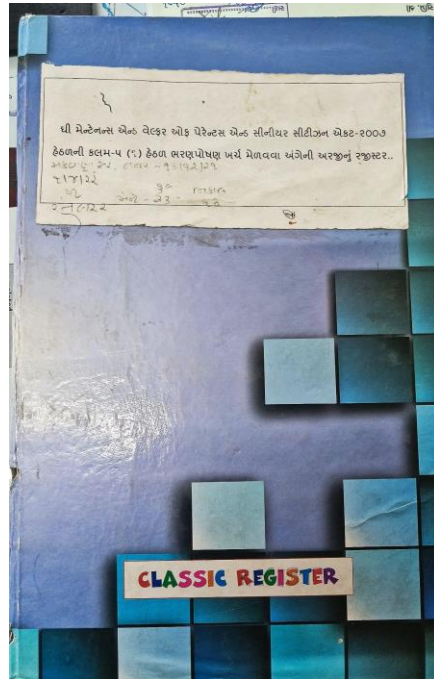
APPENDIX -A

MINISTRY OF Social Justice & EMP, GOV'T OF IND- *Unstarred Question No.1141 to be Answered on 13.12.2022- Construction of Old Age Homes*

YEAR	DISTRICT	NO. OF OLD AGE HOMES	NO. OF BENEFICIARIES
2017-18	Vadodara	1	25
	Bhavnagar	1	25
2018-19	-	0	0
2019-2020	Mehsana	1	25
2020-21	Banaskantha	1	50
	Dang	1	50
	Gir Somath	1	50
	Junagarh	1	50
	Morbi	1	50
	Patan	1	50
	Tapi	1	50
2021-22	-	0	0

APPENDIX -B

Register maintained by the maintenance tribunal



APPENDIX -C

DATA COLLECTED FOR THE YEAR 2021- APPLICATIONS FILED UNDER THE ACT

MONTH	NO. OF NEW APPLICATIONS REGISTERED	NO. OF APPLICATION DISPOSED OF
January	2	2
February	1	0
March	1	0
April	0	0
May	2	0
June	1	0
July	1	0
August	1	0
September	2	0
October	2	0
November	7	0
December	4	0
TOTAL	24	2

DATA COLLECTED FOR THE YEAR 2022- APPLICATIONS FILED UNDER THE ACT

MONTH	NO. OF NEW APPLICATION REGISTERED	NO. OF APPLICATION DISPOSED OF
January	1	5
February	2	5
March	0	3
April	3	2
May	2	2
June	2	4
July	4	1
August	1	2
September	5	0
October	4	1
November	0	0

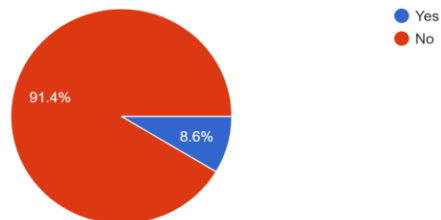
December	0	0
TOTAL	24	25

DATA COLLECTED FOR THE YEAR 2022- APPLICATIONS FILED UNDER THE ACT

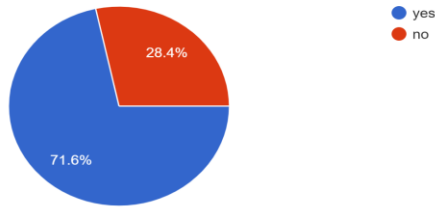
MONTH	NO. OF NEW APPLICATION REGISTERED	NO. OF APPLICATION DISPOSED OF
January	5	4
February	1	5
March	5	4
April	1	7
May	5	6
June	2	3
July	2	1
August	4	4
September	2	3
October	0	0
November	3	3
December	0	0
TOTAL	30	40

APPENDIX -D
SURVEY QUESTIONS AND RESPONSES

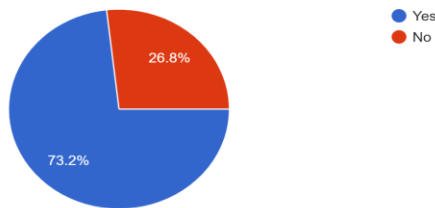
Are you aware that the proceedings held under the Act are dealt with by the DEPUTY COLLECTOR?
500 responses



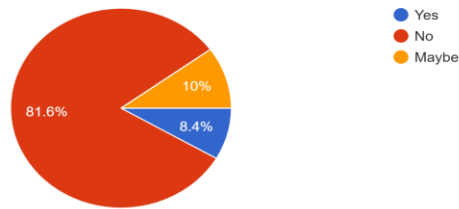
The Act provides only for the provision of Maintenance amount as a sole responsibility of children/relatives. Do you think it should also prov...nd emotional health (eg loneliness, depression) etc
500 responses



Sec. 17 of the Act provides that there is NO right to legal representation (practitioner). Do you think this acts as an obstacle in the implementation of senior citizen's rights under the Act?
500 responses



The Act mandates the provision of maintenance upto RS. 10,000/-. Do you think it is sufficient to make a living keeping in mind other expenses like rent, food, medical, and travel expenses?
500 responses



Why do you think there are less cases filed under this Act?
500 responses

