

# Bill Summary

## The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019

- The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in Lok Sabha by the Minister of Social Justice and Empowerment, Mr. Thawarchand Gehlot, on December 11, 2019. The Bill amends the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Key features of the Bill include:
  - **Definitions:** In the Act, the term children refers to children and grandchildren, excluding minors. The Bill adds the following to the definition: step-children, adoptive children, children-in-laws, and the legal guardian of minor children. Further, the Act defines a relative as the legal heir of a childless senior citizen, excluding minors, who possess or would inherit his property after death. The Bill amends this to include minors represented by their legal guardians. The Act defines parents to include biological, adoptive, and step parents. The Bill expands the definition of parents to include parent-in-laws, and grandparents.
  - Under the Act, maintenance is defined as the provision of food, clothing, residence, medical attendance and treatment. Welfare is defined to include the provision of food, healthcare, and other amenities necessary for senior citizens. The Bill expands the definition of: (i) maintenance to include the provision of healthcare, safety, and security for parents and senior citizens to lead a life of dignity, (ii) welfare to include the provision of housing, clothing, safety, and other amenities necessary for the physical and mental well-being of a senior citizen or parent.
  - **Maintenance orders:** Under the Act, state governments constitute maintenance Tribunals to decide on the maintenance payable to senior citizens and parents. These Tribunals 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: (i) the standard of living and earnings of the parent or senior citizen, and (ii) 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.
  - **Offences and penalties:** Under the Act, abandonment of a senior citizen or parent is punishable with imprisonment of up to three months, or a fine of up to Rs 5,000, or both. The Bill increases the penalty to imprisonment between three and six months, or fine of up to Rs 10,000, or both. The Bill also provides that if the children or relatives fail to comply with the maintenance order, the Tribunal may issue a warrant to levy the due amount. Failure to pay such fine may lead to imprisonment of up to one month, or until the payment is made, whichever is earlier.
  - **Maintenance officer:** The Act provides for a maintenance officer to represent a parent during proceedings of the Tribunal. The Bill requires maintenance officers to: (i) ensure compliance with orders on maintenance payments, and (ii) 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 requires all hospitals, including private organisations, to provide these facilities for senior citizens. Further, homecare 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.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgment of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.