

Standing Committee Report Summary

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

- The Standing Committee on Social Justice and Empowerment (Chair: Mrs. Rama Devi) submitted its report on the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 on January 29, 2021. The Bill amends the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which provides for financial security, welfare, and protection for senior citizens. Key observations and recommendations of the Committee include:
 - **Care homes:** The Act prescribed establishment of at least one old age home in each district by the state government. The Bill replaces this to provide that senior citizen care homes may be set up by the central or state government or any organisation. The Committee observed that out of more than 700 districts in the country, only 482 have care homes. It recommended that the Bill should mandate at least one care home and one multi-service day care centre in each district.
 - The Bill requires state governments to designate registration and regulatory authorities for registration and monitoring of care homes and day care centres. The Committee recommended that the Bill should require state governments to designate these authorities within six months of the amendment of the Act.
 - **Healthcare for senior citizens:** The Act provides for certain facilities (provision of beds, separate queues, separate 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. The Committee recommended that the Bill should require district hospitals to also provide adequate counselling facilities for senior citizens. It also recommended that the Bill should require the government to set up separate geriatric health facilities, hospitals, and research centres for senior citizens in all states in a timebound manner.
 - **Application for maintenance:** Under the Act, senior citizens or parents can apply to the Maintenance Tribunals to seek maintenance from their children, relative, or legal heir if they are unable to maintain themselves. They can apply themselves or authorise any person or organisation to do so on their behalf. The Bill adds that the application can also be filed by registered post or online or by any other means. The Committee recommended that the Bill should provide for a dedicated common portal for filing online application along with the facility to track its progress.
 - The Bill provides that the applications of senior citizens who are 80 years or above, must be disposed of within 60 days of receiving the application. For others, this period will be 90 days. However, in exceptional cases, the period may be extended once by up to 30 days. The Committee recommended that such an extension should not be given in case of senior citizens who are 80 years or above. It observed that such senior citizens are most vulnerable, so their requirements of maintenance could be extremely urgent and hence should not be delayed.
 - **Maintenance tribunals:** The Committee noted the submission by the government that setting up exclusive tribunals for maintenance may not be feasible. It recommended that state governments need to provide sufficient manpower, training, and infrastructure for time-bound disposal of cases in maintenance tribunals. It also recommended that Rules should be amended to earmark at least two days in a week for the disposal of maintenance cases by the concerned officers.
 - **Conciliation officers:** Under the Act, before conducting the hearing, the maintenance tribunal may refer the application to a conciliation officer for settlement. The Act explains that maintenance officers designated by the state government or persons from organisations working for welfare of senior citizens can act as the conciliation officer. The Bill amends this provision to specify that the conciliation officer will be nominated by the tribunal as per the rules prescribed by the state government. The Committee recommended that the explanation should be retained in the Act to specify the class of persons who can act as conciliation officers. It also recommended that the Bill should provide for payment of honorarium to the conciliation officer for his services.
 - **Maintenance officers:** The Act provides for the appointment of maintenance officers to represent parents during tribunal proceedings. The Bill requires maintenance officers to: (i) ensure compliance with maintenance orders and (ii) act as a liaison for parents and senior citizens. The Committee recommended that the Bill should require the maintenance officer to submit an annual compliance report to the tribunal. It also recommended that the Rules should provide for: (i) training and sensitisation of maintenance officers and (ii) regular visits by them to the homes of senior citizens to ensure compliance with the maintenance orders.

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