Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Prelims – *Indian Polity and Governance*

Mains - *GS-II - Governance, Social Justice | Rights of vulnerable sections, legal safeguards for the elderly.*

Why in news?

Recently, the Supreme Court ruled on a case involving senior parents attempting to evict their son from their home under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

- **Purpose -** Enacted to ensure maintenance and welfare of parents and senior citizens ***(60 years and above).***
- Applies when the senior citizen is unable to maintain themselves from their own earnings or property.
- **Legal responsibility** - Places legal responsibility on children/relatives (legal heirs) to provide financial support, food, clothing, residence, and medical care.
- **Tribunals**
  - **Maintenance Tribunals** - To hear petitions from senior citizens.
  - **Appellate Tribunals** - To hear appeals against the tribunal orders.
- **Key Provisions**
  - **Property Transfer and Maintenance - Section 23(1)** - If a senior citizen transfers property with a condition that the recipient will maintain them and this is not fulfilled, then the transfer is treated as done under *fraud, coercion or undue influence* and can be declared void by the tribunal.
  - **Section 23(2)** - A senior citizen can enforce their *right to maintenance* from the estate.
  - **Penalties for Abandonment -** Abandoning a senior citizen is a criminal offense, punishable with imprisonment for *3 months or fined up to 5,000* or with both.
  - **Powers of the Tribunal -** The Tribunal may impose fines and sentence the children or relatives who disobey its orders with all or a portion of the monthly allowance for the maintenance and expenses of the Senior Citizens.
  - It may also impose a jail sentence that lasts up to one month or until the money is paid.
  - The maximum maintenance allowance *shall not exceed* Rs.10,000 per month.
  - **No Legal Practitioners - Section 17** - Prohibits parties from being represented by legal practitioners in proceedings before a maintenance tribunal or appellate tribunal.
- **SC Interpretation of Senior Citizens Act, 2007 -** The Act aims to protect

vulnerable senior citizens, ensuring they live in dignity and security.

- While the act does *not explicitly* mention *eviction*, the Supreme Court has clarified that eviction is legally permissible if it ensures the maintenance and safety of senior citizens.

Reference

Indian express | Senior citizens act

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