

## 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](#)

