

# LEGAL AWARENESS EVENT ON THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN ACT, 2007

This event was organised by a volunteer at Legal Aid Cell, Symbiosis Law School, NOIDA with the help of DLSA, Kurukshetra at Perna Old Age Home. With the help of some para- legal volunteer volunteers at DLSA, the learner organized a legal awareness workshop on Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The volunteer interacted with the people there and told them about the act.

Conducted  
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Under the  
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## **1. Concept Note**

*"Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members."* – Pearl S. Buck

I with the help of DLSA, Kurukshetra and under the guidance of Mr Ankur Sharma, Head of Legal Aid Cell, Symbiosis Law School, NOIDA, organized a legal awareness workshop on the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The workshop was organized at Prerna Old Age Home. The authorities at the NGO had already made seating arrangements for the people there and I along with some para- legal volunteers interacted with them. I handed them posters and brochures that I created for their better understanding in the topic. I talked to them and answered told them some basic things such as who is entitled to get maintenance under this Act and how the maintenance proceedings actually initiate. We also asked them if they had been wholly abandoned by their children. Some of them said a yes and the para- legal volunteers assured to help them look into the matter and get them justice.

## **2. Objectives**

The main objective of organizing this event was to educate and make the people aware of their rights and bring them the justice they deserve. Some other objectives were as follows:

- 1) Making them understand the basics of the Act in plain and simple language
- 2) Encouraging them to take some action against their child if that child has wholly abandoned them
- 3) Making them understand that even if they are childless, they can claim maintenance from a relative who is not a minor and is in possession of their property
- 4) Encouraging them to exercise their rights under The Maintenance and Welfare of Parents and Senior Citizen Act, 2007

## **3. Preliminary Preparation`**

I talked to my employer at the ADR centre and convinced her to help me organize a workshop for Human Rights Day.

I read about the act on the internet and tried to understand as many provisions under it as I could.

I created posters because I believe pictorial presentation of thoughts is the best way to communicate things. The posters were based on overcoming our fears and human rights. They were scanned and posted on social media and also printed and circulated among the senior citizens present there (The copy of the posters is attached with this report)

I also made a brochure in plain and simple language which answered basic questions about the act. The brochure had everything written in it in both Hindi and English and for their convenience we also read it out to them. (The copy of the Brochure is attached with this report)

#### **4. Conducting the Program**

It was a very informal event in the beginning. We just interacted with them, listened to their stories, listened to the music they like and also watched a movie with them. Then, Ms Shalini Singh (Chief Judicial Magistrate- cum- Secretary, District Legal Services Authority, Kurukshetra) addressed the people there. After that, the awareness part started, we first gave them an overview of what we were going to tell them and then read the brochure out to them. We circulated them the posters and brochures. Their responses were satisfactory.

#### **5. Response of the target population**

Their response was very encouraging for us. They were very happy to see that there is someone to care for them and help them get their rights and justice. They asked me what college I was in and when I told them, they appreciated the college a lot. They were not exactly unaware of the provisions under the act but they did get to know a lot of new things and how there are people to help them now.

#### **6. Future plan of action**

The future plan would be to conduct a similar workshop not only for the senior citizens but also for the young people. If the youth realises how wrong it is to wholly abandon the old, this act would actually start to mean something even bigger.

## **7. Suggestions/Feedback**

The Legal Aid Cell could also organize one such workshop. The volunteers can go in pairs and visit old age homes to make the people aware of this act.

## **8. Conclusion/Remarks**

It was a great learning experience for me. Even I did not know anything about this Act before this workshop, so I got to read more and learn something about it. It also felt really good interacting with the people there. So, in a nutshell, this initiative by the Legal Aid Cell was a very good experience for us.

## Annexure 1





Annexure 2

Legal Aid Cell, Symbiosis Law School, NOIDA celebrates Human Rights Day.



HUMAN RIGHTS CAN'T WAIT!

#LACSLS  
#SLSN

DECEMBER 10

FEAR FEAR FEAR FEAR FEAR FEAR

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Hardik Dhamija



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Devansh Sethi



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Pranav Mahajan



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**"To deny people their human rights is to challenge their very humanity." - Nelson Mandela**



**SPEAK UP!**

**#LACSLs**

**#SLSN**



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Highlight



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← Photo



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**i\_am\_terminally\_weird** "Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members." - Pearl S. buck

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DECEMBER 9





**THE MAINTENANCE AND WELFARE OF PARENTS  
AND SENIOR CITIZEN ACT, 2007**

**माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण  
तथा कल्याण अधिनियम, 2007**



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<p>4. <b>Against whom the parent and grand parent can file an application for maintenance under the Act?</b> Parent or grandparent can file an application for maintenance against one or more of his children. Children include son, daughter, grandson and grand-daughter. Children does not include a minor.</p> <p>5. <b>Before which authority an application for maintenance can be filed?</b> The application for maintenance can be filed before the Tribunal which is headed by the Sub-Divisional Officer.</p> <p>6. <b>Can a childless senior citizen claim maintenance under the Act?</b> Yes, childless senior citizen can claim maintenance under the Act from the relative who:- (a) is not minor and (b) is in possession of property of Senior Citizen or (c) would inherit the property of senior citizen after his death.</p> <p>7. <b>Where the maintenance proceedings can be initiated?</b> Maintenance proceedings may be initiated against any child/children or relative in any district where:- (a) the parent or senior citizen lives or (b) last lived or (c) where the child/children or relative live.</p> <p>8. <b>Whether the application for Maintenance is to be filed by parent or senior citizen himself/herself before the Maintenance Tribunal?</b> Application for maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 can be filed (a) by a senior citizen or a parent as the case may be; or (b) If the senior citizen of parent is incapable of filing application by himself/herself then any person or organization (voluntarily association registered under the Societies Registration Act 1860) can be authorized to file the application for maintenance; or (c) Tribunal may take cognizance suo moto. (Suo Moto refers to a situation wherein a judge acts without</p>	<p>request by either party to the action before the court. Court acts of its own motion)</p> <p>9. <b>Can parent or senior citizen claim maintenance under the Maintenance and Welfare of Senior Citizens Act and Chapter IX of the Code of Criminal Procedure simultaneously?</b> Parent or Senior citizen if entitled for maintenance under Code of Criminal Procedure and also under the Maintenance and Welfare of Senior Citizens Act can claim maintenance under either of those Acts. They cannot claim maintenance simultaneously under both the Acts.</p> <p>10. <b>Is there any upper limit for maintenance allowance?</b> State Government may provide for the maximum maintenance allowance which may be given per month. In any case, maintenance allowance shall not exceed ten thousand rupees per month.</p> <p>11. <b>Can Senior Citizen or parent file an appeal, if aggrieved by the order of Tribunal?</b> Yes, Senior Citizen or parent, if aggrieved by an order of a Tribunal may within sixty days from the date of order, prefer an appeal to the Appellate Tribunal.</p> <p>12. <b>Whether abandonment of senior citizen is an offence?</b> Under Section 24, if anybody who is having the care or protection of a senior citizen leaves him/her in any place, with the intention of wholly abandoning him/her, such person shall be punishable under the Act with imprisonment of either three months or fine upto Rs. 5,000 or both. The offence would be cognizable and bailable.</p> <p>13. <b>Can Senior Citizen reclaim the property transferred by him/her?</b> Senior Citizen can file an application before the Tribunal for declaring the transfer of property as void. The Tribunal may declare the transfer as void if the following conditions exist:- (a) Any property transferred by way of gift or otherwise by senior citizen after the commencement of this Act. (b) The said property is transferred subject to the condition that transferee shall provide the basic amenities and basic physical needs to the senior citizen. (c) The transferee refuses or fails to provide such amenities and physical needs</p> <p style="text-align: right;"><small>Haryana State Legal Services Authority</small></p>
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<p>माता-पिता एवं वरिष्ठ नागरिकों के लिए मरणा-पोषण एवं कल्याण अधिनियम, 2007, भारतीय न्यायन के 58वें वर्ष में बना, ताकि माता-पिता व वरिष्ठ नागरिकों को उचित मरणा-पोषण व सुख प्राप्त हो।</p> <p>1. <b>अधिनियम 2007 के तहत, मरणा-पोषण प्राप्त करने के हकदार कौन हैं ?</b> माता-पिता दादी-दादा वरिष्ठ नागरिक</p> <p>उपरोक्त श्रेणियों में जो भी अपनी आय और सम्पत्ति से अपना मरणा-पोषण नहीं कर सकते, वे अधिनियम, 2007 के तहत मरणा-पोषण का दावा कर सकते हैं। <b>(माता-पिता की परिभाषा में जैविक, गोद व सौतेले, माता-पिता भी आते हैं)</b></p> <p>2. <b>वरिष्ठ नागरिक कौन हैं ?</b> वरिष्ठ नागरिक के अर्थ में— जो भारत के नागरिक हैं, और जो 60 वर्ष के ऊपर अधिक आयु के हैं।</p> <p>3. <b>क्या 60 वर्ष से कम आयु के माता-पिता भी इस अधिनियम के तहत मरणा-पोषण प्राप्त कर सकते हैं ?</b> आयु का वह मानक केवल वरिष्ठ नागरिकों के लिए है। 60 वर्ष से कम आयु के माता-पिता इस अधिनियम के तहत मरणा-पोषण का दावा कर सकते हैं।</p> <p>4. <b>माता-पिता व दादी-दादा, इस अधिनियम के तहत, किसके खिलाफ, मरणा-पोषण का दावा दाखल कर सकते हैं ?</b> माता-पिता व दादी-दादा अपनी, एक या एक से अधिक, सन्तानों पर मरणा-पोषण का दावा दाखल कर सकते हैं। सन्तान में पुत्र, पुत्री, पौत्र व पौत्री आते हैं, किन्तु अल्पवयस्क नहीं आते।</p> <p>5. <b>किस अधिनियम के समक्ष, मरणा-पोषण का दावा दाखल हो सकता है ?</b> मरणा-पोषण का दावा अधिनियम के तहत नगरीय सिविल अदालत (Tribunal) के समक्ष उठा जाएगा, जिसका अध्यक्ष उप-राष्ट्र-अधीनकारी (SUDO), होता है।</p> <p>6. <b>क्या निरस्तान वरिष्ठ नागरिक भी मरणा-पोषण का दावा कर सकते हैं ?</b> जी हाँ, निरस्तान वरिष्ठ नागरिक, मरणा-पोषण का दावा, अपने उस सम्बन्धी से कर सकते हैं जो— अल्पवयस्क (निर्वासित) नहीं है; वरिष्ठ नागरिक की सम्पत्ति पर कामिज है; या वरिष्ठ नागरिक की सम्पत्ति का अस्तित्व है।</p> <p>7. <b>मरणा-पोषण के दावे की कार्यवाही कहां प्रारम्भ करें ?</b></p>	<p>मरणा-पोषण के दावे की कार्यवाही का प्रारम्भ किसी भी संज्ञान या संज्ञे के सिद्ध, उस जिले में होनी चाहिए— माता-पिता या वरिष्ठ नागरिक वर्तमान में निवास करते हैं। या जहाँ निवास किया है। या जहाँ पर सन्तान या सम्बन्धी, निवास कर रहे हैं।</p> <p>8. <b>क्या मरणा-पोषण अधिनियम के समक्ष, मरणा-पोषण का दावा माता-पिता या वरिष्ठ नागरिक को स्वयं दाखल करना होगा?</b> अधिनियम 2007 के अनुसार, मरणा-पोषण का दावा निम्नलिखित के द्वारा दाखल किया जा सकता है— वरिष्ठ नागरिक या माता-पिता, स्वयं; या यदि वरिष्ठ नागरिक या माता-पिता, दावा दाखल करने में असमर्थ हैं तो वे किसी भी व्यक्ति या संस्था (जो सोसाइटीस रजिस्ट्रेशन एक्ट, 1860 के अन्तर्गत पंजीकृत है) को दावा दाखल करने के लिए अधिकृत कर सकते हैं; या मरणा-पोषण अधिनियम अल्प संज्ञान (Suo Moto Cognizance) से सकता है।</p> <p><b>(Suo Moto Cognizance- अर्थात् वह परिस्थिति जिसमें न्यायाधीश, विना किसी पक्ष की प्रार्थना के, न्याय के दिवस में स्वयं कार्यवाही प्रारम्भ करते हैं।)</b></p> <p>9. <b>क्या अधिनियम, 2007 व आपराधिक प्रक्रिया संहिता 1973 (Code of Criminal Procedure 1973) के अन्वय 9 के तहत एक साथ मरणा-पोषण का दावा कर सकते हैं ?</b> माता-पिता या वरिष्ठ नागरिक, उपरोक्त दोनों अधिनियमों में से किसी भी एक में मरणा-पोषण का दावा कर सकते हैं। दोनों अधिनियमों के तहत, एक साथ, मरणा-पोषण का दावा नहीं किया जा सकता।</p> <p>10. <b>क्या मरणा-पोषण मने की कोई अधिकतम सीमा है ?</b> सभ्य सरकार, मरणा-पोषण यासिक मने की अधिकतम सीमा निर्धारित कर सकती है। किसी भी परिस्थिति में मरणा-पोषण मने, प्रतिमाह दस हजार रुपये से अधिक नहीं हो सकता।</p> <p>11. <b>यदि वरिष्ठ नागरिक या माता-पिता, मरणा-पोषण अधिनियम के आदेश से असंतुष्ट हैं, तो क्या वे अपील दाखल कर सकते हैं ?</b> जी हाँ, यदि वरिष्ठ नागरिक या माता-पिता, अधिनियम के आदेश से असंतुष्ट हैं तो वे, का तिन के अन्दर अपील अदालत (Appellate Tribunal), के समक्ष अपील दाखल कर सकते हैं।</p> <p>12. <b>क्या वरिष्ठ नागरिक का परिष्कार करना, एक कर्तव्य अवस्था है?</b> अधिनियम, 2007 के क्लेज 24 के अनुसार यदि कोई व्यक्ति तिन वरिष्ठ</p>	<p>नागरिक की देखभाल या सुखा का उत्तरदायित्व है, पूर्ण परिवारण के इरादे से, उन्हें किसी स्थान पर छोड़ जाता है, ऐसे व्यक्ति को 3 महीने का कारावास या 5000/- रुपये जुर्माना या दोनों एक साथ दण्ड दिया जाएगा। अवगत संश्लेष व जमानती है।</p> <p>13. <b>क्या वरिष्ठ नागरिक, हस्तान्तरित सम्पत्ति को वापस ले सकते हैं ?</b> वरिष्ठ नागरिक, अधिनियम के समक्ष सम्पत्ति के हस्तान्तरण को अमान्य घोषित करने के लिये दावा कर सकते हैं। अधिनियम निम्नलिखित परिस्थितियों में हस्तान्तरण को अमान्य घोषित कर सकता है— अधिनियम, 2007 के प्रभाव होने के बाद, यदि किसी वरिष्ठ नागरिक ने उपहार या अन्य माध्यम से सम्पत्ति हस्तान्तरित की हो। हस्तान्तरण इस शर्त पर किया गया हो कि उपहारक, वरिष्ठ नागरिक की मूलभूत आवश्यकताओं को पूर्ण करेगा। प्राप्तकर्ता उपरोक्त आवश्यकताओं को पूर्ण करने से इनकार कर दे या उन्हें पूरा ना कर सके।</p> <p style="text-align: center;">* * *</p> <p>The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been enacted in the 58th year of republic so as to set up appropriate mechanism to provide maintenance to the parents and senior citizens, and to provide for protection of life and property of senior citizens.</p> <p>1. <b>Who is entitled to Maintenance under the Act?</b> (a) Parents; (b) Grand-parents; and (c) Senior Citizens</p> <p>who are unable to maintain themselves from their own income and property. (Parents include biological and adoptive parents and step fathers and step mothers.)</p> <p>2. <b>Who is senior citizen?</b> Senior citizen means any person a). Who is a citizen of India, and b). Who has attained the age of 60 years or above.</p> <p>3. <b>Whether parent below 60 years of age can claim maintenance under the Act?</b> Age is prescribed only for senior citizen. Parent below 60 years of age can claim maintenance under the Act.</p>
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