

Preliminary Study on Effectiveness of the
**Maintenance and Welfare of
Parents and Senior Citizens Act,
2007**





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Longevity is a universal human aspiration. In Indian society, since time immemorial older people have been accorded a place of respect, honour and importance in the family and society. The traditional Indian culture considered old age as one of the stages of human development, wherein a person attains maturity, wisdom economic and social stability. These achievements lead to social recognition, emotional fulfilment and ultimately the achievement of salvation which is the supreme aim of human life. However, it is extremely disconcerting to find old persons waiting in courts, seeking aid to live their lives with dignity. Parents, once upon a time, considered great asset to the family, now treated as liability and often ill-treated, in few cases abandoned. There are several possible explanations to this situation; but, inadequate from humanistic standards to explain or justify the misery and anguish caused to older persons particularly parents.

The moral and humanistic outrage at increasing incidences of elder abuse and the increasing proportion of older persons in the population led to some legal steps being taken in the country to tackle the situation. It is important to note that the old age population (60 years and above) in India has grown to 9 per cent of the total population in 2011 compared to 7.4 per cent in 2001 with variations among states. In absolute numbers, India has 104 million old people with 53 million females and 51 million males; 71 per cent living in rural areas and 29 per cent in urban areas in 2011. The decadal growth of old age population was alarmingly as high as 36 per cent during 2001-11, compared to 25 per cent in previous decade.

In this context, Help Age India commissioned a study on effectiveness and usefulness of the “Maintenance and Welfare of Parents and Senior Citizens Act, 2007”. This is one of the pioneering Laws in India, meant for the overall welfare of the senior citizens in the country. It provides legal protection to the aged persons.

Help Age India, being a voluntary organisation working for the cause of disadvantaged older persons in the country was keen to understand how the Act was being implemented in the states, what were the problems faced by the senior citizens right from filing the petition to final decision as well as post-verdict follow up action. An attempt was also made in this study to know more about the problems faced by the implementing officials, their suggestions and availability of basic infrastructure, human resource and training needs. A 360 degree analysis was carried out involving all the stakeholders taking part in the implementation of this Act.

For an in depth national level study like this, acknowledging the plethora of people involved is not a formality, but, a feeling of gratitude emanating from bottom of the heart. On behalf of Help Age India, we extend our sincere gratitude to all 115 respondents who patiently provided all the information required for this study. We thank all of them for their patience and cooperation for smooth sailing of this primary data collection.

The contributions made by the state Government officials need special mention for providing all the relevant information and extending their unconditional support. In this context few names need special attention; Shri S M Vijay Anand, Chief Secretary, Government of Kerala, Smt. Mini Antony, Special Secretary, Ministry of Social Justice and Empowerment, Govt of Kerala, District Collector of Gurgaon and Sub Collectors of Ernakulum and Thirunananthapuram districts of Kerala and Ambala district of Haryana. Special thanks to all the SDMs, RDOs, Readers and all other staff for sparing their valuable time to provide relevant information for the study. Special thanks are due to Shri D Rajasekharan and Shri. S P Karkara of All India Senior Citizens' Confederation (AISC CON) for their valuable input for the study.

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Special gratitude to Sh. Mathew Cherian, CEO, HelpAge India for overall direction, supervision, encouragement and coordination with senior government officials for the completion of the study.

ABBREVIATIONS

AISCCON	All India Senior Citizens Confederation
MWPSCA	Maintenance and Welfare of Parents and Senior Citizens Act
NCOP	National Council for Older Persons
NGO	Non Governmental Organisation
NHRC	National Human Rights Commission
NPOP	National Policy on Older Persons
RDO	Revenue Divisional Officer
SDM	Sub Divisional Magistrate
UT	Union Territory

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EXECUTIVE SUMMARY

In Indian society, since time immemorial older people have been accorded a place of respect, honour and importance in the family as well as in the society. An older person was considered mature, wise, economically and socially stable which led to social recognition and emotional fulfilment and ultimately the achievement of salvation, which is the supreme aim of human life. Unfortunately the situation has changed and parents once upon a time great asset to the family, over a period of time have turned into a liability. They are often ill-treated, harassed and in few cases pushed to old age homes. There are several explanations to this situation like generation gap, nuclear family, migration to a promising land for better life, economic burden, privacy etc. At the same time, it is a matter of concern that, old age population (60 years and above) in India has grown to the level of almost 9 per cent of the total population in 2011 compared to 7.4 per cent in 2001 with interstate variations. In absolute numbers, India has 104 million old people with 53 million females and 51 million males; 71 per cent living in rural areas and 29 per cent in urban areas in 2011. The decadal growth of old age population was alarmingly as high as 36 per cent during 2001-11, compared to 25 per cent in previous decade. This growing segment of the population needs protection and opportunities like any other segment of the population.

In this context, Help Age India commissioned a study on efficacy and usefulness of the “Maintenance and Welfare of Parents and Senior Citizens Act, 2007”, which is one of the pioneering laws in India, meant for the overall welfare of the senior citizens in the country. HelpAge India was keen to understand how this Act was being implemented in the states. What were the problems faced by the senior citizens, as well as their apprehensions while filing the petition, to final decision as well as post-verdict follow up action. An attempt was also made in this study to know about the challenges faced by the implementing officials, availability of basic infrastructure, human resource and training needs. A 360 degree analysis was carried out involving all the stakeholders taking part in the implementation of this Act.

The present study is based on a primary survey conducted in 8 districts of 4 states Viz. Punjab, Haryana, Kerala and Tamil Nadu. These states were selected based on the preparedness to implement the Act and the number of cases filed and settled over a period of time. Among these states, 2 districts each were selected based on the highest number of petitions filed. Therefore, Amritsar and Ludhiana from Punjab, Ambala and Gurugram from Haryana, Ernakulam and Thiruvananthapuram from Kerala, Chennai and Thiruvallur from Tamil Nadu were selected for the detailed study.

From the district tribunal authorities, details of the petitioners were collected in three categories Viz. settled, pending and withdrawn. The purpose of including the three categories was to understand the actual experiences of all categories of the cases.

From each of the district, on an average 15 beneficiaries were interviewed with a

structured questionnaire. The views of the other stakeholders Viz. government officers, local NGOs working on old age issues and few eminent personalities were sought through in depth interviews. The in depth interviews were conducted for state government officials as well as district tribunal authorities with the help of interview guidelines. A tribunal fact sheet was used to capture the availability of infrastructure, human resource and training need assessment at tribunal level. A total of 115 petitioners, 44 stakeholders and 9 tribunal fact sheet are analysed in detail to derive conclusions for the study.

Apart from the primary survey, the study also conducted a detailed desk review of literature available on line and offline related to the subject. A detailed analysis was carried out on the status of implementation of the Act in states and Union Territories, to see how the state rules are deviated from the model rule developed by Government of India.

The literature survey on the topic revealed the urgent need to continue to develop a variety of responses and services to address neglect, abandonment and abuse of senior citizens, which could not be adequately addressed through single set of services. It would not be that easy for a poor and or demoralised older person to approach the tribunal to fight against his/her own family member/s. A supportive and user-friendly machinery at local level or in the neighbourhood was suggested to encourage the older persons to act for their rights. Filing legal proceedings against one's children/relative is a very sensitive issue and needs to be tackled differently. The studies highlighted that, even a state like Kerala where literacy is very high and media coverage is rather extensive, only 30 per cent of the elderly have any knowledge of this Act. But, they do not know the exact procedure/s of filing petition. The awareness about the Act in rural areas is abysmal. An analysis of the Rules to implement the Act revealed that, only Andhra Pradesh, Bihar and Goa made some changes in the definitions, while the rest followed the same definitions as given in the model rules proposed by Government of India. However, Andhra Pradesh, Kerala and Goa made considerable changes in few chapters of the Model Rules developed by Government of India.

Among all the petitioners, 57.4 per cent cases were settled, 33.9 per cent were pending and only 8.7 per cent were withdrawn. This could be due to lacunae in the reconciliation process adopted in practice. One important factor could be minimal or no involvement of district social justice/welfare officers. This needs to be explored further to enable the older person to bond with their family and live with them instead of confrontation and punitive action.

Among all the petitioners, 52 per cent applied for maintenance allowance and 48 per cent for property related disputes including the revoking of Will. The maintenance related petitions were highest in Punjab and property related petitions were high, both, in Kerala and Tamil Nadu. Majority of the petitioners resided in urban, semi urban (urban outskirts) and municipality areas (47 per cent in urban areas or cities, 36 per cent in urban out skirts and 2.6 per cent in Municipalities). It is important to note that only 14.7 per cent of the petitioners resided in rural areas. This could be due to lack of the information about the Act. Among the petitioners, males were marginally more than the females except in Kerala (52.2 per cent of males and 47.8

per cent females). The maximum number of petitioners were in the age group 70-79 years, 46 petitioners (40 Per cent) followed by 60-69 years, 36 petitioners (31.3 per cent). Nearly one third (29 per cent) were in the age group more than 80 years; which is a matter of concern and there should be researched further.

Majority of the petitioners were 'currently married' living with their spouse (46.9) per cent followed by widows (37.4) per cent, widower (2.2) per cent, separated and divorced 2 per cent each. The petitioners without the spouse face a more challenging battle than the others who have the emotional support of the spouse. Amongst the petitioners, 23.5 per cent were illiterate and another 23.5 per cent studied up to primary level. 10.4 per cent were only literate who could read a bit of local language or sign. 22 per cent studied up to high school level and 7 per cent each studied up to graduate and post graduate level. It is important to mention that, 6 per cent of the petitioners had a professional degree.

48 petitioners (41.7 per cent) were living with one of their children; son, daughter, or grandchildren followed by 34 petitioners (29.5 per cent) living alone. 29 petitioners lived with their spouse only and 4 (3.5 per cent) lived in private old age homes. 52 petitioners (45.3 per cent) had up to 2 children and 39 (27.3 per cent) had 3-6 children and 23 (20 per cent) had more than 6 children. Most of the petitioners have enough number of children who are educated, having some kind of employment and could afford to look after their old parents. Another interesting fact was that nearly one fourth of the petitioners had at least one child who was also a senior citizen.

In old age, most of the people suffer from one or more chronic diseases. 46 (40 per cent) were suffering from diabetics/blood pressure followed by orthopaedic related issues 22 (19.1 per cent) and 18 (15.7) per cent age related issues like arthritis, joint pain. Diabetics/BP was highest among Punjab, Kerala and Haryana.

Many petitioners mentioned elder abuse. The most common type of harassment was physical abuse which included beating and hitting. 67 petitioners (58.3 per cent) mentioned suffering from physical abuse such as beating, hitting and all kind of physical assault by their own children or son/daughter in law. 32 (27.8 per cent) suffered mental torture, 8 (6.9 per cent) each faced neglect, shouting and verbal abuse. Physical abuse was highest in Punjab, mental torture highest in Kerala and neglect was highest in Tamil Nadu.

40 petitioners (34.8 per cent) came to know about the Act through a friend, followed by close relatives and newspaper 25 each (21.8 per cent). For 17 petitioners (14.8 per cent) the source of information of this Act was some government official and for 4 of them (3.5 per cent) it was word of mouth. Only 2 of them got this message from some radio news/FM channel. So far the major source of information of this Act is friends and close relatives.

76 petitioners (66.1 per cent) were satisfied with the provisions of the Act. 16 (13.9 per cent) opined that, the Act was a good beginning and would improve over a period of time when more people file petitions and more officers get involved in implementing it. However, 11 petitioners (20 per cent) felt that the Act needs to be re-examined to make it more relevant and meaningful to the older persons.

69 petitioners (60) per cent felt that, the application process and official procedures

were very simple and easy to follow. This shows that, they were involved in filing the petition directly or indirectly. However 25 of them (21.7) per cent felt that, some help was required to file the petition, especially the less educated. 16 (13.9) per cent opined they could manage and it was comparatively. Few mentioned that 5 (4.3) per cent there should be provision to file the petition in the neighbourhood such as Taluk office or Village office since it was difficult for the aged to commute to district headquarters for several hearings.

Surprisingly, none of the petitioners knew that, they could authorise any individual or organisation to file the petition on their behalf and attend hearings etc. This provision is made for the aged who have problems of traveling etc when the SDM/RDO office is far from the place of residence. Similarly none of the petitioners know about the upper ceiling of the compensation which is Rs 10,000 per month.

The family members whether close or distant did not approve of approaching Tribunal for redress since it spoils the reputation of the family as well as their children. 41 petitioners (35.7 per cent) mentioned up front that, none of the family members approved of their decision for filing the petition. 36 petitioners (31.3 per cent) mentioned that, the other family members started avoiding them after filing the petition and 28 (24.3 per cent) mentioned that the family members became indifferent after the petition was filed. None of the petitioners received any support from any one of the district social welfare/social justice officers.

Many of the petitioners were not satisfied with the implementation of the final decision of the tribunal authority. Therefore it is suggested that, there should be strong mechanism to implement the final decision of the tribunal authority and defaulters should be dealt with severely. It was noticed that, the duty of the tribunal officer ended with the release of final decision. They were not responsible for implementation of the decision. Whenever they received a complaint of non-compliance of the final decision, they simply forwarded the request to the local police department for necessary action. They did not follow up on that. The coordination between the three dealing departments; revenue, social welfare, police was poor and it affected the implementation of the Act at ground level.

Though the behaviour of the tribunal staff towards the aged on the whole was satisfactory, but there were cases of very rude behaviour. The petitioners who applied for maintenance allowance, were getting the allowance on a regular basis; but for some it stopped after a few months and then they had to again approach the Tribunal.

The tribunal offices were under staffed and many did not have basic infrastructure like a computer and internet. None of the dealing staff had undergone any training on this Act. Therefore, it is suggested that, tribunal staff should have periodic trainings on the Act and needs to be trained on amendments of the Act as well.

CHAPTER 1

Introduction and Background

Indian society has a long cherished tradition to respect and protect the elders in the family. The responsibility of taking care of the elderly in the family was that of the young adults particularly the son/s and his family. It is still the practice in most parts of the country and most segments of the society; but, changes are visible and are likely to outpace the provisions that we have for the care of elderly. In recent times, cases of neglect and abuse of elderly by the family have come to light. Increasing longevity, changes in birth and death rate along with cultural preference for a nuclear family, immigration for better economic prospects have added to the list of challenges that the elderly population faces today and likely to face in the future. The life expectancy of the elderly, in India, has gone up from 32 years in 1947 to 67 years in 2001. These factors put pressure on the younger generations resulting in abuse, neglect and abandonment of the elderly¹.

While most elderly are looked after by the children, many suffer from poverty, loneliness, neglect, abuse and abandonment and find it difficult to mobilise resources for their most basic needs as their children are either unable or unwilling to maintain them. Problem of widows, widowers and the childless elderly are even worse. The phenomenon of Population Ageing is becoming a major concern for the policy makers all over the world, both in developed and developing countries and India too, is not immune to this demographic transition. The changing demographic profile has thrown many new challenges in the social, economic and political domains. The rapid socioeconomic transformation has affected various aspects of our society. Industrialisation, urbanisation and migration of population have brought about the concept of nuclear family, as a result of which a section of the family, primarily the elders, are confronting the problems of financial as well as physical and emotional support. Given this situation, there is an urgent need to pay greater attention to ageing related issues and to promote holistic policies and programmes for dealing with ageing².

In order to address this growing problem, Government of India had adopted policies and programmes. The National Policy on Older Persons (NPOP) announced in January 1999 was one among them to affirm the commitment of the Government to ensure the well-being of the older persons. The Policy envisages support to ensure financial and food security, health care, shelter and other needs of older persons, equitable share in development, protection against abuse and exploitation, and availability of services to improve the quality of their lives. Keeping in view the changing demography of the senior citizens in the country over the last decade, the Ministry of Social Justice and Empowerment constituted a Committee to (i) assess the present status of various issues concerning senior citizens, in general and

¹Elderly in India-Profile and Programmes-2016.Central Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, New Delhi, February 2016.

²Elderly in India-Profile and Programmes-2016.Central Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, New Delhi, February 2016.

implementation of NPOP, 1999 in particular, and (ii) draft a new NPOP keeping in view the emerging trends in demographic, socio-economic, technological and other relevant fields.

The enactment of Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act 2007 was a landmark initiative by Government of India to re-affirm the commitment for the welfare of senior citizens of India. It is an enabling legislation that is available to vulnerable older persons and has simple application procedure and the legal formalities to avoid delays. This has been done to minimize the strain on the older persons in getting benefits from this Act. The Act, inter-alia makes maintenance of parents/ senior citizens by children/ relatives obligatory, through specially constituted tribunals. It also provides for the establishment of old age homes for indigent senior citizens, adequate medical facilities, protection of life and property, revocation of transfer of property by senior citizens in case of negligence by relatives and penal provisions for abandonment of senior citizens. According to this Act, Senior Citizen means any person being a citizen of India, who has attained the age of sixty years or above. In this Act Maintenance means, provision for food, clothing, residence and medical attendance and treatment.

The MWPSA provides:

- A senior citizen, including parent, who is unable to maintain himself/ herself from his/her own earning or out of the property owned by him/her is entitled to make an application for maintenance allowance by his/her children/ relative/heir
- If a senior citizen or a parent is incapable, he/she can authorize any other person or organization for filing an application for maintenance on his/her behalf
- Application filed for monthly allowance shall be disposed of by the Tribunal within 90 days
- Proceedings of maintenance application shall be taken in any district (a) where the senior citizen or parent resides/ last resided or where the children or relative resides
- Maintenance allowance up to Rs. 10,000/- per month can be awarded
- Maintenance allowance shall be deposited by children/ relative within 30 days from the date of announcing the order by the Tribunal
- Any senior citizen or a parent, aggrieved by an order of a Tribunal can prefer an appeal to the Appellate Tribunal within 60 days from the date of the order of the Tribunal
- No party to a proceeding before a Maintenance and Appellate Tribunals shall be represented by a legal practitioner

1.1 The Role of State Government Envisaged in MWPSCA

- Establish and maintain old age homes at accessible places, in a phased manner, beginning with at least one in each district for a minimum of 150 indigent senior citizens
- Prescribe a scheme for management of such old age homes including standards and various types of services to be provided by them
- State Governments shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens
- Revocation of transfer of property by senior citizens in case of negligence by relatives
- Penal provision or punishment with 3 months imprisonment or fine up to Rs. 5000/- or with both in case of abandonment of senior citizens

State Governments shall provide:

- Beds for all senior citizens as far as possible in Government hospitals or hospitals fully or partially funded by the Government
- Separate queues for senior citizens
- Facilities for geriatric patients in every district hospital headed by a medical officer having experience in geriatric care

As per Section 1(3), MWPSCA has to be brought into force by individual State Governments. It is not applicable to the State of Jammu & Kashmir, while Himachal Pradesh has its own Act. All the other States and all Union Territories (UTs) have brought the Act into force. States/UTs which have brought the Act into force are required to take, inter-alia, the following measures/steps for effective implementation of the Act:

- Frame Rules u/s 32(1)
- Appoint Maintenance Officers u/s 18(1)
- Constitute Maintenance Tribunals u/s 7(1)
- Constitute Appellate Tribunals u/s 15(1).
- Constitution of Maintenance Tribunals and Appellate Tribunals by the State Governments in all Sub Divisions and States within 6 months of commencement of this Act
- State Governments may make rules for carrying out the purposes of the Act by notification in the Official Gazette.
- Summary trials by the Tribunals for passing orders for maintenance.
- Lawyers excluded from the proceedings.
- Elderly can choose to seek maintenance either under this Act or under the provisions of the Criminal Procedure Code 1973 if applicable but not under both the provisions.

-
- No Civil Court to have jurisdiction in respect of any matter to which any provision of this Act applies
 - No injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act
 - State Government to designate District Social Welfare Officer or an equivalent officer as Maintenance Officer.
 - Maintenance Officer can represent a parent or senior citizen if he/she wants.
 - State Government may establish and maintain sufficient senior citizen homes for indigent or abandoned and neglected (by their kith and kin) beginning with one in each district sufficient to house 150 elderly.
 - State Government may prescribe a scheme for management of old age homes, setting standards and minimum services necessary for medical care and entertainment of the elderly
 - State Government to establish specific medical facilities, allocate doctors/hospital beds, expand treatment for chronic, terminal and degenerative diseases; and conduct research on ailments of the elderly and ageing.
 - State Government to take all measures to sensitise and orient the police and judiciary regarding protection of life and property of the elderly and provisions of this act

Ministry of Social Justice and Empowerment has been persuading the States/ UTs from time to time to effectively implement the Act in letter and spirit, so that the senior citizens benefit in their respective States/ Uts.

1.2 Objectives of the Study

The main objective of this preliminary study was to assess the efficacy of MWPSCA to deal with the issues like care and maintenance of elderly parents and senior citizens. In order to achieve this objective, the study did desk reviews and primary data collection on sample basis. Following were the objectives of this study:

- Identify the major issues i.e. ease of process, time taken, access, procedure, post-verdict follow up by the older persons in 3 categories of petitions settled, pending and those withdrawn;
- Has the law helped the old parents in dealing with rouge children (with special reference to gender, age, morbidity and their socio economic profile);
- Identify the enablers and barriers faced by the state government in implementing this Act;
- Identify best practices and showcase it, suggest a way forward and recommendations for future advocacy with policy makers.

1.3 Geographical Coverage and Sample

The study covered 4 states Viz. Punjab, Haryana, Kerala and Tamil Nadu; these states are selected based on the following parameters.

- Taken all necessary steps to implement MWPSA: notified the Act, framed the rules, appointed maintenance officers; constituted maintenance tribunals and constituted Appellate Tribunals
- Highest number of cases filed, pending cases and number of cases settled.

Table-1 : Number and Status of Petitions in Selected States-2011

No of Petitions filed and Status	Kerala	Tamil Nadu	Punjab	Haryana
Total No of cases	-----	212	119	33
Pending Cases	597	120	38	13
Cases Settled	555	91	70	20

Data as compiled and provided by a document of Ministry of Social Justice and Empowerment, Govt. of India, 2011. See Annexure for details

The study has 2 *tier analysis* (A) Beneficiary and (B) stakeholder. The

beneficiaries were of 3 types (a) Petitions settled, (b) Petitions still pending and (c) Petitions withdrawn. The number in each category of the beneficiaries was finalised depending on the availability of each category in the selected state as well as the district. These figures were obtained from the state government. Each one of the beneficiaries was personally visited and the questionnaires administered after taking verbal consent.

The key asks for the stakeholders were specially designed as a check list in a discussion format. The stakeholders in this study were mainly government officials and NGOs. On an average, 10 in depth interviews were conducted for each of the states. The questionnaire for each officer was sent or given in advance and prior appointments were obtained so that they were familiar with the objective of the study as well as the questions. The state government officers were selected from the pool of officers at the concerned ministry, who were directly/ indirectly involved or having past experience in implementing the Act at state or at district level.

A tribunal fact sheet was also addressed to ascertain if the tribunals in the respective states were equipped to implement the provisions of the Act. A total of 9 tribunals were visited to understand the infrastructure, human resource and training needs. HelpAge India state offices facilitated primary data collection and coordinated with the state government officials.

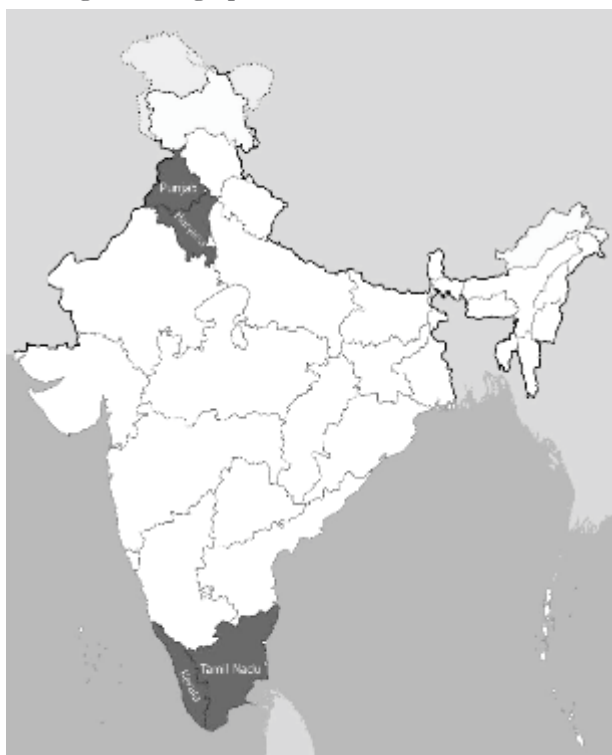
Among the 4 states, 2 districts each were selected based on the number of petitions filed. The list of districts selected for the study are given in Table 2 and shown in Figure 1.

A total of 115 beneficiaries and 44 stake holders were covered in this study. In the latter category, 39 government officials at different levels and 3

Table -2 : List of Selected Districts

States	Districts
Punjab	1. Amritsar 2. Ludhiana
Haryana	3. Ambala 4. Gurgaon (Gurugram)
Kerala	5. Ernakulum 6. Thiruvananthapuram
Tamil Nadu	7. Chennai 8. Thiruvallur

Figure-1 Geographical Locations of Selected States



Map not to scale and indicates spatial positions

working on old age issues and 1 former ex officio member of the tribunal committee were included. The tribunal infrastructure availability was analysed by visiting 9 tribunals in the study area.

1.4 Approach and Methodology

The approach adopted in this preliminary study is to find out the barriers and enablers to implement the Act at state and district level, progress made so far and problems faced by the elderly in making benefit of this Act. This is achieved through the desk research both online and off line literature review. In depth interviews are conducted with concerned

Government officials at state and district level as envisaged in the study. Following steps are followed to complete the study within the time frame

Soon after completing the literature survey, draft questionnaire was developed. There are three sections in the questionnaires for different types of beneficiaries.

- For beneficiaries whose petitions are settled
- For beneficiaries whose petitions are still pending
- For beneficiaries who withdrew their petitions

After developing the draft question-naire a pre-test was conducted in Ambala district of Haryana on 18/10/2016. After completing the pre-test minor changes were incorporated in the ques-tionnaire based on the experience of the pre-test. All the questionnaires were finalised after the pre-test in Ambala. The

next levels of questionnaires were of key informants and tribunal fact sheet. The draft key informants questionnaire and tribunal fact sheet was developed and sent to experts for comments and suggestions.

Table-3 : Pre-test Details in Ambala District, Haryana

Pre-test site	Types of Beneficiaries		
Ambala (Haryana)	Settled	Pending	Withdrawal
	3	2	1

Table- 4 : Details of Primary Data Collection Phase-I

State/Dists	Types of Beneficiaries			Key Informants	Key Informants
Punjab	Settled	Pending	Withdrawn	District	State
Amritsar	12	3	1	4	3
Ludhiana	12	4	0	5 (2 NGOs)	
Haryana					3
Ambala	11	3	1	4(1)*	
Total	35	10	2	13	6

*Ex-tribunal committee member Data Collection period- November 2016

As per the agreed time schedule in the last week of November 2016, data collection process begun in 3 districts such as Amritsar, Ludhiana and Ambala (Phase-I) as per the details given below:

The other 2 states, Kerala and Tamil Nadu and Gurgaon district of Haryana were covered in the second Phase of primary data collection as per the details given below. In Ambala district one former ex officio member of tribunal committee was included.

The second phase of data collection started on 10th of December 2016 and completed on 15th of January 2017. Soon after the completion of data collection the qualitative and quantitative data are coded using a code sheet and fed into Excel for further analysis. The data is analysed using the SPSS (Statistical Package for Social Sciences) software, from IBM.

Table- 5 : Details of Primary Data Collection Phase-II

District/State	Types of Beneficiaries			Key Informants	Key Informants
	Settled	Pending	Withdrawn	District	State
Kerala					
Ernakulum	10	4	1	4	5
Thiruvananthapuram	9	3	3	4	
Tamil Nadu					3
Chennai	3	9	2	3	
Thiruvallur	3	9	0	3	
Haryana					
Gurgaon	6	4	2	3(1NGO)	
Total	31	29	8	17	8

Data Collection period- December 2016 and January 2017

A sample of 115 beneficiaries , 44 stake holders and 9 tribunal infrastructure fact sheets were analysed in this study

CHAPTER II

Situational Analysis and Literature Review

In this chapter an attempt is made to give a situational analysis on status of implementation of the Act and literature survey specific to the objectives of the study as well as studies related to the Act. The elderly in India, traditionally, live with family and are given care in informal settings. However, in recent times, due to economic, demographic, cultural and technological changes, the care of elderly is no longer possible in the traditional way. In some cases it is possible to find acceptable alternatives; but, some situations turn ugly forcing elderly to live in subhuman conditions. This calls for government intervention and regulation.

In this situation, apart from on-going programs such as social security through non-contributory pension, Government of India adopted the National Policy on Older Persons (NPOP) and Maintenance and the Welfare of Parents and Senior Citizens Act in 2007. National Policy on Older Persons (NPOP), 1999 was announced in January 1999 to reaffirm the commitment of the Government to ensure the well-being of the older persons. The Policy envisages state support to ensure financial and food security, health care, shelter and other needs of older persons to improve quality of their lives. Some of the principal areas of intervention identified in the Policy pertains to pension, taxation policies, long term savings, strengthening health care system, health insurance, training of health care personnel, promotion of voluntary organizations through grants, providing shelter, awareness generation regarding inter-generational bonding, protection of life and property, etc.

Keeping in view the changes in the demographic pattern, social-economic, technological and other relevant fields, a Committee was set up in the year 2010 under the Chair personship of Dr. (Smt) V. Mohini Giri to draft *inter-alia* a new National Policy on Senior Citizens (NPSC). The Committee submitted its report on 30th March 2011. The new draft Policy has been placed on the Ministry's website for comments from the general public and circulated to state governments for their response. The policy is awaiting final approval.

The proposed new Policy though built on the policy of 1999, has considerable improvement. Compared to the existing Policy, the proposed new Policy is more comprehensive. The new Policy sets out upfront the areas needing very special attention such as (a) the oldest old i.e. senior citizens in the age group of 80 years and above; (b) elderly women; (c) rural poor; and (d) the unorganised sector. These sections were either not covered or not adequately covered in the Policy of 1999.

The proposed new Policy also stressed upon the use of science and technology for the well-being and safety of senior citizens; enhancing the capacity of family to take care of senior citizens while the institutional care to be the last resort; inter-generational bonding to be a core principle; productive ageing; financial security in old age; health care and nutrition; Effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007; review of laws to make them more stringent and effective in case of elder abuse; setting up of a *National Commission*

for *Senior Citizens* at the centre and similar Commissions at the state level for looking into their grievances earmarking of corporate Social Responsibility (CSR) funds; the Panchayati Raj institutions will be encouraged to implement the policy at grassroots level³.

Meanwhile, Odisha adopted State Policy for Senior Citizens in consonance with the NPSE 2011. Odisha State Policy for Senior Citizens 2016, aims to address the welfare dimension of the ageing at greater depth. It addresses the vulnerability of the senior citizens and the impact thereof on the family and society along with a variety of related concerns including the economic and the ethical. This Policy adopts a new approach towards ageing encompassing theories and concepts of productive, participative and meaningful ageing with dignity and self-fulfilment. The policy in short is an expression of the government's vision of society and how it is to be manifested in the lives of its senior members and in those of future generations⁴.

The Maintenance and the welfare of parents and senior citizens Act 2007 stress up on the moral obligation of children to take care of their old parents. The Act empowers senior citizens who are unable to maintain themselves to be able to apply to the tribunals set up by the Act for monthly maintenance from their children or heirs. The Act further enables provision for the setting up of old age homes in every district by the state governments, reservations in Government health facilities. Maintenance tribunals are empowered to fix monthly maintenance allowance up to Rs. 10,000 per month. If they are not complying with the decision, they can be fined up to Rs. 5000 or 1-3 months in a jail or both. Further, the tribunals have to settle the applications within a period of 90 days. Transfer of property can be declared void by the tribunal in case negligence is reported. An appeal against an order of these tribunals can be filed with the Appellate Tribunal. This Act applies to the people of whole of India, except the State of Jammu & Kashmir. It is applicable to all citizens of India, those living in India as well as abroad. Article 41 of the Indian Constitution also exhorts the State to make effective provisions for the elderly along with the sick and disabled. Section 125 of the Code of Criminal Procedures orders maintenance of wives, children and parents who cannot look after themselves.

2.1 Summary of Maintenance and the Welfare of Parents and Senior citizens Act 2007

This Act establishes the Maintenance Tribunal to provide speedy and effective relief to elderly persons. **Section 19** of the act also mandates the establishment of an old age home in every district and provides for the protection of life and property of the elderly. Parents can opt to claim maintenance either under Section 125 of the Criminal Procedure Code, 1973 or under this Act, however cannot opt for both. If a person has an application under Section 125 pending before the court, a request can be made to the court to withdraw the application. After the withdrawal, the person can file an application before the Maintenance Tribunal under this Act. Maintenance

³Ministry of Social Justice and Empowerment, 39th Standing Committee Report on Social Justice and Empowerment, Lok Sabha Secretariat, New Delhi, September 2014

⁴Odisha Senior Citizens Policy 2016, Department of Social Security and Empowerment of Persons with Disabilities, Government of Odisha.

tribunals are empowered to fix monthly maintenance allowance up to Rs. 10,000 per month. If they are not complying, they can be fined up to Rs. 5000 or 1-3 months in a jail or both. Further, the tribunals have to settle the applications within a maximum period of 90 days. Transfer of property can be declared void by the tribunal in case negligence is reported. In this Act, maintenance is defined as including “provision for food, clothing, residence and medical attendance and treatment”. The only condition for claiming maintenance under this Act is that, the persons must be unable to maintain themselves from their own earnings and property. Adult Children and adult grandchildren, both male and female, are responsible for paying maintenance to parents and grandparents. ***An application can be filed against any one or more of them.*** Senior citizens who do not have children or grandchildren can claim maintenance from a relative who either possesses their property or who will inherit their property of the senior citizen after their death. The relative must not be a minor and must have sufficient means to provide maintenance. If more than one relative is entitled to inherit the property, then maintenance must be paid by relatives in proportion to their inheritance of the property. The Act mandates that the maximum maintenance paid will be Rs 10,000 per month. The maintenance amount is determined by the needs of the claimant (parent) and the paying capacity of the opponent (children). The aim is to provide maintenance allowance for the parents to lead a dignified and normal life.

The application for maintenance must be filed before the Maintenance Tribunal in any district where the parent, grandparent or senior citizen resides; or the parent, grandparent or senior citizen has last resided; or the person against whom maintenance is claimed resides. If the person cannot file the maintenance application, then any other person or organisation authorised can file the application on his/her behalf. Additionally the Maintenance Tribunal has the power to take action on its own without any request by the parties. The Act states that ***no party to a proceeding before the Maintenance Tribunal will be represented by a lawyer.*** However, parents or senior citizens can avail the services of the State Government appointed Maintenance Officer to represent their interests during proceedings before the Maintenance Tribunal. Once an order is passed by the Maintenance Tribunal, a copy of the order must be provided free of cost to the person who will receive maintenance. If the other person is ordered to pay a sum, ***such amount must be deposited within 30 days of the announcement of the Tribunal's order.*** The failure to pay maintenance without sufficient reason will result in a warrant for collecting the due amount. If the person does not pay maintenance even after the warrant is executed, the person is liable to imprisonment for a maximum of 1 month or until the amount is paid, whichever is earlier. The application for enforcement of maintenance must be filed within 3 months from the

Maintenance tribunals are monthly maintenance allowance up to Rs. 10,000 per month. If they are not complying, they can be fined up to Rs. 5000 or 1-3 months in a jail or both. Further, the tribunals have to settle the applications within a maximum period of 90 days. Transfer of property can be declared void by the tribunal in case negligence is reported.

date on which it became due. Otherwise the application will be dismissed. The order can also be revised to alter or cancel the maintenance amount if there is any material change in circumstance of the claimant, misrepresentation (an innocent, unintentional, false statement) or mistake of fact (wrong belief about a fact).

Any person who is responsible for the protection and care of a senior citizen and ***intentionally abandons the senior citizen is liable to pay a fine of Rs 5,000 or be imprisoned for 3 months or both.*** Additionally, senior citizens can file an application before the Maintenance Tribunal to declare the transfer of property void. The following conditions apply: The transfer of property, irrespective of whether it is a gift or not, must be after the commencement of the Act. The property must be transferred by attaching some conditions that require the person to whom the property is transferred to provide basic amenities and physical needs to the senior citizen. The other person must have failed to or refused to provide the amenities and physical needs to the senior citizen. If senior citizens have the right to receive maintenance from an estate and the estate is transferred, either partly or wholly, then the right to maintenance can be claimed from the person to whom the property has been transferred when: 1. The person to whom the property has been transferred for consideration has the notice of the right; or 2. The transfer is gratuitous.

The Act further elaborates that, State Government must ensure that all government hospitals and hospitals partly or fully funded by the government arrange separate queues for senior citizens and provide beds for all senior citizens. Additionally, every district hospital must have special facilities for senior citizens. Every district must have at least one old age home for senior citizens who are poor and needy. These old age homes must be able to accommodate at least 150 poor and needy senior citizens. The first case under this Act was filed in November 2011 by Siluvai (age 84) and his wife Arulammal (age 80) of Tuticorin in Tamil Nadu against their son and daughter-in-law for neglect, besides taking away their two homes and gold jewellery.

2.2 Literature Review

In this sub section the literature directly or indirectly dealing with this Act or any studies related to this Act is being considered for review. Age well Foundation and Advocacy Centre in 2011 conducted a nationwide study and found that, only 11.5 per cent older persons were aware about MWPS Act, whereas 88.5 per cent never heard about this Act⁵. In urban areas, only 8.2 per cent had heard about this Act. Amongst those who were aware only 0.55 per cent accepted that, they had benefited because of this act directly or indirectly. 99.45 per cent elderly said that, they had not availed benefit of this Act essentially because of ignorance about the provisions of the law and procedures to follow. This shows that, in 2011 after 2 years of enactment of this Act, very few knew about it and only negligible per cent got benefitted from it.

Group of Economics & Social Studies (GESS) in a report submitted to Bureau of Police Research & Development, Ministry of Home Affairs, and Government of India transpired that, only 11.4 per cent of older persons (18.6 per cent urban and 4.2

⁵www.agewellfoundation.org visited on March 2017

per cent rural) had any knowledge of the MWPSA Act, 2007. Among them, 70.5 per cent of the respondents were apprehensive about the usefulness of the Act in case the children could be themselves economically poor and or overburdened with responsibilities.

A legal awareness survey by Development, Welfare and Research Foundation in August 2007 from a cross section of elderly population in Delhi, revealed that for many participants (56 per cent) special legislations like the MWPSA Act would increase resources and courage to respond to abuse⁶. However, there was question about responsibility of the government to provide welfare through schemes for social pension to those who had children or would it be restricted only to those who were destitute⁷.

There are recorded cases of physical assault, excessive restraint, exposing older people particularly women to humiliating behaviour. In case widows or ageing women if they have some money then they are more vulnerable to exploitation, deprivation of property, income and verbal humiliation as well as murders in some cases⁸. The research conducted by Development Welfare and Research Foundation on ageing widows in selected colonies of Delhi had many narrations of being hit, more specifically slapped, on occasions by their sons, daughters-in-law and even by their daughters in some cases. Few reported that things were being thrown at them when they had not done as desired by their family. They were pushed around, restrained from doing things, be it cooking, housekeeping, going out, participating in activities and meeting personal needs and also have spit thrown on them as an expression of showing disregard. Many felt that compared to the atrocities outside the house, atrocities within the house were endurable, women continued to accept their inferiority in the house and society and tried their best to come to terms with their conditions.

On 21 February 2009, Hon'ble Chief Justice of India released a booklet on the Maintenance and Welfare of Parents and Senior Citizens Act, prepared by National Legal Services Authority, to sensitize judicial officers and other enforcement agencies to educate the elderly about the rights of the senior citizens⁹. There should have been steps like this to distribute the booklet to senior citizens in local language to understand the Act, procedures involved in filing the petition etc so that more senior citizens could avail the benefits of this Act. The role of awareness generation should be given to the local NGOs. The government should prioritise this activity at the earliest.

Awareness may be created among senior citizens and the general public about programmes, services, (old age homes, day care centres, home help services, etc.) subsidies, assistance (financial) and concessions, available to senior citizens. Therefore, Senior Citizen's Service and Information Centres shall prepare brief unambiguous information leaflets on each one of these aspects, print them and make

⁶Development, Welfare and Research Foundation, Research Brief on Widows in India, New Delhi, 2006.

⁷ibid

⁸Shankardass Mala Kapur combating elder abuse in India A emerging social and public health concern in understanding measures for combating Elder Abuse in Asian countries. A Status Report. Tokyo, Japan 2003.

⁹Group of Economic & Social Studies, A legal Awareness about the rights of the elderly (2009).

them available to senior citizens. The leaflets need to be in the regional language. These centres may get in touch with the information and publicity machinery of the government and channel the information to the media so that the information reaches the seniors and those who are concerned and care for them.

These leaflets may be made available to old age homes, day care centres, senior citizens organizations and other NGOs dealing with senior citizens. In addition, all pertinent information useful to senior Citizens may be compiled into a booklet with the sections marked off for each of the different aspects covered. The booklet can be made available at a nominal cost. Many situations of neglect, deprivation and marginalization are treated as a normal consequence of ageing. These acts shape the attitude of older people to life, and their expectations of themselves. The insecurity inside and outside the household is today the greatest obstacle in the path of ageing women and "The Maintenance and Welfare of Parents and Senior Citizens Act " only provides lip service to such issues¹⁰.

The situation of women is affected by the degree of their autonomy or capacity to make decisions. It is thus important that, legislations for the welfare of senior citizens take into account this reality and have measures to safe guard ageing women and widows from being harassed, abused and denied property and livelihood. A research project of Development, Welfare and Research Foundation on public response to Maintenance and Welfare of Parents and Senior Citizen Act, highlighted that 96 per cent of ageing women will be hesitant to avail the provisions of the Act compared to 77 per cent of ageing men from the same section of society¹¹.

The government provisions and services alone cannot solve all the neglect and abandonment problems of senior citizens, which, have a wide range of issues, increasingly being put under the umbrella of elder abuse. The assistance the older adult may need for their maintenance and up keep will have to come from various quarters, namely, government, civil society, including non-government organizations and older people themselves. It may require different interventions such as legal, social, health, psychological, emotional and financial¹².

It is realised that, there is a need to continue to develop a variety of responses and services to address neglect, abandonment and abuse of senior citizens, as it is impossible for only single set of services to meet all needs in this area, which is a growing concern in contemporary societies. There are apprehensions about what happens when the Tribunal or the Conciliation Welfare Officer victimize in the name of protecting them.

Adult Protection Legislation in the form of the Maintenance and Welfare Act is a "band-aid", not a solution to the intrinsic problem of improving quality of life of senior citizens. It seems more like a cover-up that makes it look like something is being done to help the older adults. Some help may be given by such legislation, but, it may not be the type of help that will resolve the abuse. Older adult victims of

¹⁰Ramamurti P.V., and Jamuna D, Will legislation help the care of older persons, India, Malta, Bold, 16(1),15-19, 2005.

¹¹DWARF, Report on research analysis of legal awareness Questionnaire on Maintenance and Welfare of Parents and Senior citizens Act. New Delhi, 2007.

¹²WHO/INPEA, Missing Voices. Views of Older Persons on Elder Abuse, Geneva World Health Organisation WHO/NMH/WIP/021, 2002

neglect need options to address their needs and help in bringing an end to the abuses that they are experiencing. This will not be achieved by passing an Act¹³.

In yet another study, 40 per cent of the respondents said that most favourable legal provision from an older person's point of view was MWPSA Act which has many provisions to favour senior citizens. "Adult Protection Legislation looks good; but, does not make available the services and assistance in a humane and dignified manner that an old person needs in all circumstances and environments"¹⁴. A study by Indira Jai Prakash underlined the difficulty of a poor and demoralised older person to approach the tribunal to fight against their own family members. A supportive and user-friendly machinery at local level or in the neighbourhood was required for people to feel emboldened to act for their rights. Filing legal proceedings against own children/relative is a very sensitive issue and needs to be tackled in a totally different way which is not envisaged in this Act¹⁵.

In a study conducted in National Capital Region (NCR) covering about 300 respondents about the impact of the Act, 69.3 per cent were of the view that the Act would not provide benefits to the parents who were suffering ill treatment at the hands of the children. 22.3 per cent respondents were uncertain about it. 50 per cent of the respondents agreed and 12 per cent were uncertain whether the Act would prevent elder abuse in the society. A very high percentage (95.7 per cent) of the respondents felt that, this Act had not made any difference in their lives elderly in the study area¹⁶.

The Maintenance and Welfare of Parents and Senior Citizens Act 2007, has benefited the older persons in terms of facilitating grant of maintenance allowance to parents and senior citizens, based of course on the economic capacity of the children and other relatives who carry such an obligation. Most states have reported the practice of existing Old Age Homes, NGOs, and other Civil Society Organizations providing support to the petitioners before the Maintenance Tribunals in terms of writing petition, arguing before the Maintenance Tribunals, and obtaining orders either in the form of grant of maintenance allowance or return of transferred property.

The major problem as stated above is that of lack of awareness about this law. Even in Kerala where literacy is very high and media coverage is rather extensive, only 30 per cent of the elderly have any knowledge of the Act and even they do not know the exact procedure for filing petitions. Awareness in the rural areas is still poor. This is in spite of government claiming that, it has done extensive publicity of the Act. There could be several reasons for this ignorance. A large number of the old are illiterate and hence their use of the written media is limited; the Radio and TV may not be within their reach in view of the fact, such media have rapidly become the preserve of the younger generation. The younger generations may not have passed on the information.

¹³Shankardass M K The Plight of older women Victims of domestic violence. Society for Gerontology Research, 2011

¹⁴Sonali Public Shiksha Samiti. A study of effectiveness of social welfare programmes on senior citizen in rural Rajasthan, Chattisgarh, Gujarat and Madhya Pradesh submitted to Planning commission, Government of India, 2012.

¹⁵Indira Jai Prakash. HelpAge India Research & Development Journal, Vol. 13 No.3 Oct. 2007

¹⁶<http://shodhganga.inflibnet.ac.in/handle/10603/31765> visited on March, 2017

Hence the number of older persons who need the protection of the Act are likely to be several times larger than the actual number whose cases have been registered in the Tribunals. Governmental support is required to enhance awareness levels concerning the provisions of the Act through both traditional forms of communication including Street Plays (Nukkad Natak), Community Processions, etc., and through electronic media in the form of verbal conversations or dialogues so that the illiterate elders can also understand the messages about the Act¹⁷.

Tribunal authorities have reported difficulties arising in the award of an adequate and reasonable amount of maintenance allowance; in many cases, amount of maintenance allowance granted by the Maintenance Tribunals was neither adequate to meet the basic needs of survival with dignity of parents and senior citizens nor reasonable judging by the income of the beneficiary children. They believed that one member Maintenance Tribunals may not able to do justice to the merits of each case; they believed that the process would be more just if the Maintenance Tribunals comprised more than one (e.g. three members, with one member having legal or judicial background, one representative of the local Senior Citizens' Association, and, one member from among women senior citizens) member and should undertake background case work by either the Presentation Officer or the Conciliation Officer¹⁸. Few states like Haryana have multi member tribunal committees. It is observed that, the term of these committees were for three years; but, once it expires it took long time to re constitute the committee.

2.3 Situational Analysis

In this sub section an attempt is made to see the status of implementation of the Act in the states. 26 States and 7 UTs have taken necessary steps to implement the Act. The table below shows that, as of March 2013, 7 states and 1 UT did not frame rules under this Act, and did not appoint maintenance officers and even did not constitute tribunals. There may be some update at present however it is a matter of concern that, even after 4 years of passing the Act, all the states have not taken all the steps. Following table shows the date of notification of the Act, rules, maintenance officer, tribunal and appellate in States and Union Territories.

Table 5A & 6 shows that, within a period of 2 years the situation has improved and as on March 2015, except 3 North Eastern State, every state has notified the Act.

Table-5A : Status of Implementation of the MWPCs Act as on 31 March 2013

Sl. No.	Steps in the Implementation of the Act	No. of States/UTs which have taken the steps	No. of States which are yet to take these steps
1	Notification of appointed date to bring Act into force	26 States and 7 UTs	Nil
2	Taken all consequential steps under the Act	15 States and 6 UTs	11 States and 1 UTs
	(I) Rules framed under Act	19 States and 6 UTs	7 States and 1 UTs
	(ii) Appointment of Maintenance Officers	19 States and 6 UTs	7 States and 1 UTs
	(iii) Constitution of Maintenance Tribunals	19 States and 6 UTs	7 States and 1 UTs
	(iv) Constitution of Appellate Tribunals	20 States and 6 UTs	6 States and 1 UTs

Source- 39th Standing Committee Report, Lok Sabha Secretariat 2014

¹⁷ AISCCON declaration in Sugan Bhatia(Ed), Maintenance and Welfare of Parents and Senior Citizens' Act, 2007 Review based on a Decade's Experiences in its Enforcement, 2016

¹⁸ Sugan Bhatia, Maintenance and Welfare of Parents and Senior Citizens' Act, 2007 Review based on a Decade's Experiences in its Enforcement, All India Senior Citizens' Confederation (AISCCON) 2016

Table-6 : Implementation of Maintenance and Welfare of Parents and Senior Citizen Act, 2007

As on 31.12.2015							
S.N.	Name of State/ UT	Date of Notification of Act	Appointed date of enforcement of Act in State/UT	Date of Notification of Rules	Date of Notification of Maintenance Officer	Date of Notification of Maintenance Tribunal	Date of Notification of Appellate Tribunal
1	Andhra Pradesh/ Telengana	22.04.2008	28.04.2008	28.12.2011	Action Taken	19.08.2008	19.08.2008
2	Bihar	28.09.2011	19.10.2011	07.09.2012	09.11.2011	09.11.2011	09.11.2011
3	Chhattisgarh	26.09.2008	26.09.2008	07.05.2010	24.01.2009	24.01.2009	24.01.2009
4	Goa	23.09.2008	01.10.2008	01.10.2009	24.09.2009	24.09.2009	24.09.2009
5	Gujarat	07.10.2008	07.10.2008	19.05.2009	19.05.2009	19.05.2009	19.05.2009
6	Haryana	22.10.2008	22.10.2008	19.06.2009	28.08.2009	23.11.2010	23.11.2010
7	Himachal P.	The State has its own Act					
8	J&Kashmir	Act not applicable					
9	Jharkhand	12.04.2008	01.04.2008	2014	14.02.2009	14.02.2009	14.02.2009
10	Karnataka	27.03.2008	01.04.2008	19.11.2009	13.09.2010	19.02.2009	19.02.2009
11	Kerala	24.09.2008	24.09.2008	28.08.2009	17.08.2009	17.08.2009	17.08.2009
12	Madhya Pradesh	23.08.2008	23.08.2008	02.07.2009	02.07.2009	02.07.2009	02.07.2009
13	Maharashtra	27.02.2009	01.03.2009	23.06.2010	*	28.09.2010	28.09.2010
14	Odisha	20.09.2008	01.10.2008	24.09.2009	01.10.2009	01.10.2009	01.10.2009
15	Punjab	15.07.2008	15.07.2008	17.10.2012	27.08.2008	27.08.2008	27.08.2008
16	Rajasthan	31.07.2008	01.08.2008	18.06.2010	19.09.2008	19.09.2008	19.09.2008
17	Tamil Nadu	29.09.2008	29.09.2008	31.12.2009	31.12.2009	31.12.2009	31.12.2009
18	Uttar Pradesh	25.09.2012	25.09.2012	24.02.2014	31.10.2014	20.10.2014	20.10.2014
19	Uttarakhand	11.11.2008	01.11.2008	19.12.2011	07.08.2014	07.08.2012	07.08.2012
20	West Bengal	05.12.2008	05.12.2008	12.01.2009	20.01.2009	20.01.2009	20.01.2009
North Eastern States							
21	Meghalaya	22.06.2012	22.06.2012	2012	25.09.2012	08.05.2014	08.05.2014
22	Sikkim	03.05.2012	01.02.2012	*	27.06.2012	18.12.2011	18.12.2011
23	Tripura	14.08.2008	15.08.2008	22.08.2008	15.12.2008	15.08.2008	15.08.2008
24	Assam	04.10.2008	04.10.2008	27.09.2012	02.08.2008	02.08.2008	02.08.2008
25	Manipur	29.10.2009	30.10.2009	02.12.2011	06.07.2012	*	14.09.2012
26	Mizoram	29.12.2008	01.01.2008	09.07.2014	01.12.2014	01.12.2014	01.12.2014
27	Nagaland	22.04.2008	22.04.2008	*	07.02.2014	07.02.2014	07.02.2014
28	Arunachal P.	08.08.2008	06.08.2008	*	19.06.2012	19.06.2012	19.06.2012
Union Territories							
29	Andaman & Nicobar Islands	21.05.2008	21.05.2008	29.02.2012	04.03.2010	04.03.2010	04.03.2010
30	Chandigarh	21.10.2008	21.10.2008	12.08.2009	17.04.2012	22.12.2008	22.12.2008
31	Dadra & Nagar Haveli	17.09.2008	17.09.2008	06.05.2010	07.04.2010	07.04.2010	07.04.2010
32	Daman & Diu	17.09.2008	17.09.2008	04.05.2010	07.04.2010	07.04.2010	07.04.2010
33	Delhi	08.09.2008	01.09.2008	30.06.2009	01.10.2009	01.10.2009	11.02.2011
34	Lakshadweep	25.10.2008	22.09.2008	16.03.2015	16.03.2015	16.03.2015	16.03.2015
35	Puducherry	31.10.2008	01.11.2008	27.10.2011	27.10.2011	27.10.2011	27.10.2011

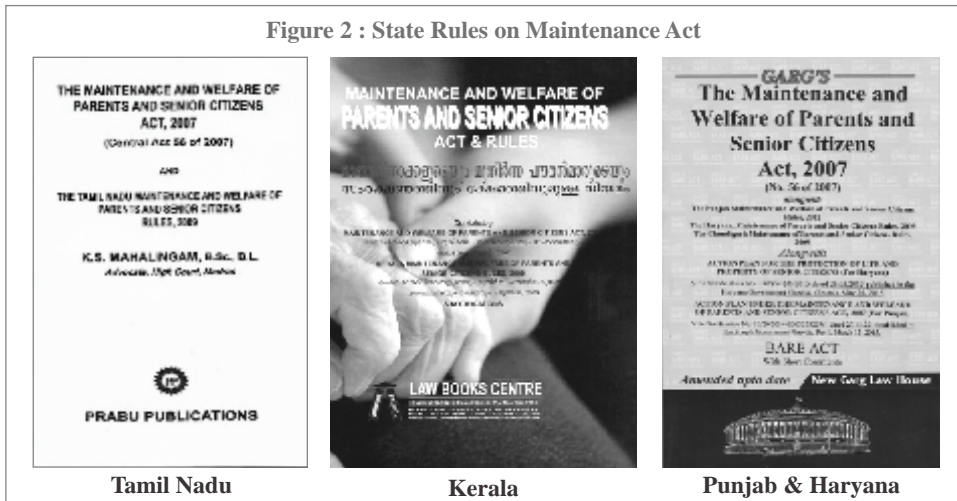
* Action Pending

Except Maharashtra every state appointed maintenance officer, except Manipur every state notified maintenance tribunal. It is important that, all states and UTs notified appellate tribunal. This shows that, it took almost 8 years to comply with the basic necessities to implement the Act. This is mainly because there was no pressure build at state level to implement the Act. Every state took its own time to set up the tribunal and make state rules for implementation.

A chapter wise analysis of the Rules adopted by the states to implement the Act revealed that only Andhra Pradesh, Bihar and Goa made some minor changes in the definitions. All the other states and UTs followed the same definitions as given in the Model Rules proposed by Government of India. The idea was that Government of

India proposes model rules to give an overall idea and state government should prepare the rules considering the socio economic and demographic situation of the states. However, it is noticed that, most of the States adopted the Central Rule though with minor changes.

Figure 2 : State Rules on Maintenance Act



Chapter II, Procedure for Maintenance Tribunal and Conciliation Officers:, Haryana, Kerala and Andhra Pradesh made substantial changes, Bihar and Puducherry made minor changes.

Chapter III: Procedure for Appellate Tribunal: major changes were made by Andhra Pradesh and Kerala.

Chapter IV: Scheme for Management of Old Age Homes: vast changes were noticed in Andhra Pradesh and minor changes in Bihar.

Chapter V: Duties and Powers of District Magistrate: only Andhra Pradesh made substantial changes.

Overall, one can say that, Andhra Pradesh and Kerala made major changes in the Rules and Sub Rules compared to Model Rules proposed by Government of India. States such as Bihar, Chhattisgarh and Goa made few minor changes and rest of the states simply adopted the Model Rules proposed by Government of India¹⁹.

¹⁹ Comparative Analysis of State Rules, Ministry of Social Justice and Empowerment, New Delhi 2017

CHAPTER III

Effectiveness and Usefulness of the Law

The main focus of the study was to understand and describe the experience of the older persons who tried to get benefit under this law. It also tried to capture the socio-economic, area, demographic profile of the petitioners to see if there emerged any trends. These trends, if any, could help in future research to ascertain if the law helped certain section of the target population more than the others. Conversely, what were the factors, if any, that denied benefits under this law to reach the indigent and socially disadvantaged. Besides, their morbidity, medical expenses, living arrangement, details of their children, types of harassment were also included.

The other part of this chapter focusses on problems faced, if any, before and during filing the petition, hearings and post- verdict. The source of information for this Act, their opinion as well as suggestion to effectively implement this Act in their respective states was also included. The information collected is both qualitative and quantitative. The qualitative information was quantified according the nature of the answers and quantitative information was grouped into categories like age group, income group, occupational categories etc.

3.1 Status and Purpose of Petitions

Since there were three types of beneficiaries involved in this study, it is important to know how many falls into each category: petitions settled, pending and withdrawn. Table 7 shows that, among all the respondents 57.4 per cent cases were settled, 33.9 per cent are pending cases and only 8.7 per cent were withdrawn. This shows that, the reconciliation was not very strong in the states and the involvement of district social justice/welfare officers was minimal or negligible. Since filing a petition against own children/relative/heirs is a sensitive issue which may affect the social fabric of the family members, reconciliation among the petitioner and opponent

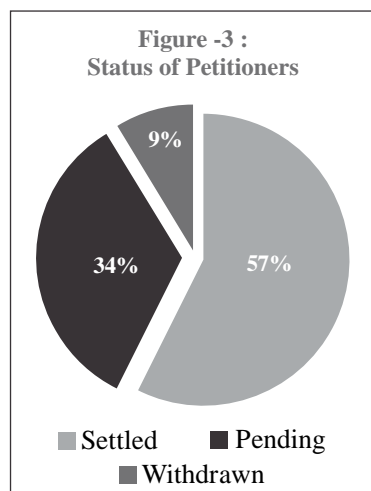


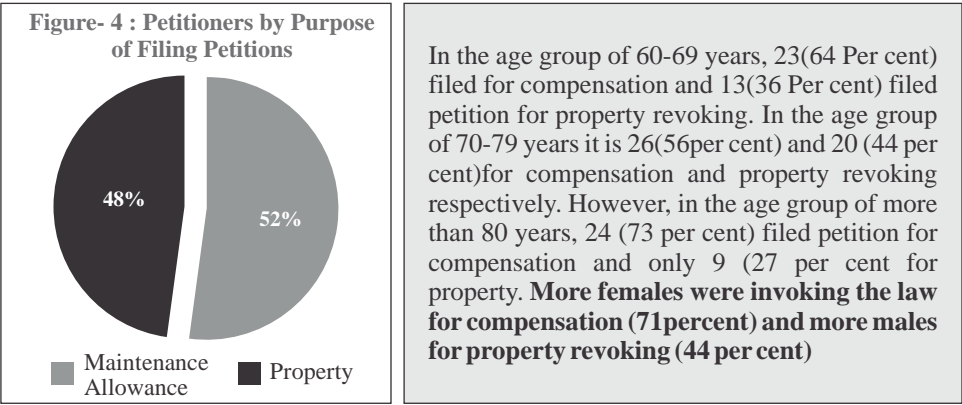
Table-7 : Petitioners by Status of Their Petitions

State/Dist.	Settled	Pending	Withdrawn	Total
Amritsar	12 (18.2)	3 (7.7)	1 (10)	16 (13.9)
Ludhiana	12 (18.2)	4 (10.3)	0 (0)	16 (13.9)
Punjab	24 (36.4)	7 (18)	1 (10)	32 (27.8)
Ambala	11 (16.7)	3 (7.7)	1 (10)	15 (13)
Gurugram	6 (9.1)	4 (10.3)	2 (20)	12 (10.4)
Haryana	17 (25.8)	7 (18)	3 (30)	27 (23.4)
Ernakulam	10 (15.2)	4 (10.3)	1 (10)	15 (13)
Trivandrum	9 (13.6)	3 (7.7)	3 (30)	15 (13)
Kerala	19 (28.8)	7 (18)	4 (40)	30 (26)
Chennai	3 (4.5)	9 (23.1)	2 (20)	14 (12.2)
Thiruvallur	3 (4.5)	9 (23.1)	0 (0)	12 (10.4)
Tamil Nadu	6 (9)	18 (46.2)	2 (20)	26 (22.6)
Total	66 (100)	39 (100)	10 (100)	115(100)

Figures in Parentheses are column wise percentages

would be desirable . Though there is a provision in the Act, under section (3) and 17, it emerged in the study that, it was not being utilised.

The table further shows the interstate and inter district variations. The highest number of settled cases were in Kerala (29 per cent) and lowest is in Tamil Nadu (9 per cent). In Kerala, in both of the districts, there was a proper system in filing the petitions and informing the petitioners on hearing. The petitioners diligently followed up the proceedings of the RDO/SDM officers. In Tamil Nadu, the procedures for filing the petition was not in organised as well as in Kerala. In Punjab and Haryana , all the petitions were filed in a common place and one separate place was kept for petitions coming under MWPSCA. This could be improved to effectively handle the petitions, if the number of petitions increased due to better awareness or outreach programmes .



It is important to know the purpose of petitions filed such as for maintenance allowance or any property related dispute including property revoking. In this study special emphasis was given to include more of petitions related to maintenance allowance rather than property disputes. In the Act it is mentioned that, if any parent has transferred their property acquired by themselves, can be revoked if the children are not taking care of the parents. In few states they consider the property transfer after the enactment of the Act in 2007. Though in the study there was special emphasis to consider the maintenance petitions however none of the authorities maintains separate list of petitions meant for maintenance and property dispute.

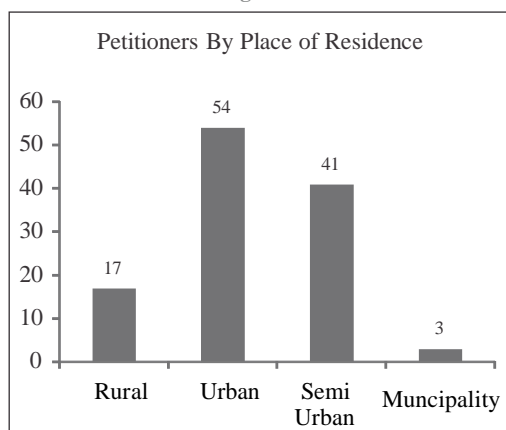
Table 8 shows that among all the petitioners, 52 per cent were for maintenance and 48 per cent for property related disputes. Maintenance related petitions were highest in Punjab and property related petitions were highest both in Kerala as well as Tamil Nadu.

Table-8 : Petitioners by Purpose of Filing Petitions

State/Dist.	Maintenance Allowance	Property Related	Total
Amritsar	10 (16.6)	6(10.9)	16 (13.9)
Ludhiana	9 (15)	7 (12.7)	16 (13.9)
Punjab	19 (31.6)	13 (23.6)	32 (27.8)
Ambala	10 (16.6)	5(9.1)	15 (13)
Gurugram	5 (8.3)	7 (12.7)	12 (10.4)
Haryana	15 (24.9)	12 (21.8)	27 (23.4)
Ernakulam	7 (11.7)	8 (14.5)	15 (13)
Trivandrum	8 (13.3)	7 (12.7)	15 (13)
Kerala	15 (25)	15 (27.7)	30 (26)
Chennai	7 (11.7)	7(12.7)	14 (12.2)
Thiruvallur	4 (6.7)	8 (14.5)	12 (10.4)
Tamil Nadu	11 (18.4)	15 (27.2)	26 (22.6)
Total	60 (100)	55 (100)	115 (100)

Figures in Parentheses are column wise percentages

Figure 5



It is important to know, the place of residence of petitioners (whether Urban, Rural, semi urban or outskirts and Municipality area) to find out if the benefits of Act reached to the last mile or not. Among the petitioners, the majority resided in urban, semi urban (urban outskirts) and municipality areas. 47 per cent of them resided in urban areas or cities, 36 per cent in urban outskirts and 2.6 per cent in Municipalities. It is important to note that only 14.7 per cent of the petitioners resided in rural areas.

An attempt was also made to observe the details of addresses given in the tribunals when they filed the petition. Though majority of them had given the full address to the tribunal, 13 petitioners (11 per cent) gave partial/ incomplete address with the authorities while filing their petitions, due to which it was difficult to reach them for the interview. The partial/incomplete addresses were given by the petitioners in Ambala, Gurugram, Chennai and Thiruvallur districts. Though in many districts the authorities were attaching the address proof, it appeared to be incomplete to reach the petitioners. Therefore, it is suggested that, there should be a top sheet along with the application which should contain detailed address, nearest landmark, and mobile number of self and few immediate relatives. It was noticed that, though phone numbers were given, either it was switched off or non-existing.

In this digital era everyone has a mobile phone so that it is easy to establish contact. An attempt was made to understand how many of the petitioners provided a landline or a mobile number to the tribunal authorities so that they could be contacted with ease. In this study it was found that, only 14 petitioners (12.7 per cent) provided a landline number to the tribunal authorities. The landline numbers provided were highest in Kerala and nil in Punjab (2 each in Ambala and Ernakulum districts, 4 in Thiruvallur and 6 in Thiruvananthapuram district). An attempt to make calls to these landline numbers revealed that most of them were either out of service or non-functional or changed.

Table-9 : Petitioners by Place of Residence

State/Dist.	Rural	Urban	Semi-urban	Municipality	Total
Amritsar	4 (23.5)	9 (16.7)	3 (7.3)	0 (0)	16 (13.9)
Ludhiana	4 (23.5)	10 (18.5)	2 (4.9)	0 (0)	16 (13.9)
Punjab	8 (47)	19 (35.2)	5 (12.2)	0 (0)	32 (26.4)
Ambala	3 (17.6)	8 (14.8)	4 (9.8)	0 (0)	15 (13)
Gurugram	0 (0)	7 (13)	5 (12.2)	0 (0)	12 (10.4)
Haryana	3 (17.6)	15 (27.8)	9 (22)	0 (0)	27 (23.4)
Ernakulum	6 (35.3)	4 (7.4)	5 (12.2)	0 (0)	15 (13)
Trivandrum	0 (0)	9 (16.7)	6 (14.6)	0 (0)	15 (13)
Kerala	6 (35.3)	13 (24.1)	11 (26.8)	0 (0)	30 (26)
Chennai	0 (0)	7 (13)	7 (17.1)	0 (0)	14 (12.2)
Thiruvallur	0 (0)	0 (0)	9 (22)	3 (100)	12 (10.4)
TamilNadu	0 (0)	7 (13)	16 (39.1)	3 (100)	26 (22.6)
Total	17 (100)	54 (100)	41 (100)	3 (100)	115 (100)

Figures in Parentheses are column wise percentages

57 petitioners (49.6 per cent) provided a mobile number to the tribunal authority while filing the petition and it was highest in Amritsar. On the other hand, it is important to mention that 50 per cent of the petitioners did not provide any contact number. In cases where a contact number was provided, only 33 petitioners gave their own number (58 per cent), 23 gave the number of one of their children (40 per cent) and 1 of them gave a neighbour's number. It was difficult to coordinate with the petitioners who had given children's contact numbers since they were living elsewhere and were not interested in giving further details of the petitioner.

3.2 Socio Economic and Demographic Profile of the Petitioners

This section shows the socio economic and demographic profiles of the petitioners so that we can see the background of the petitioners.

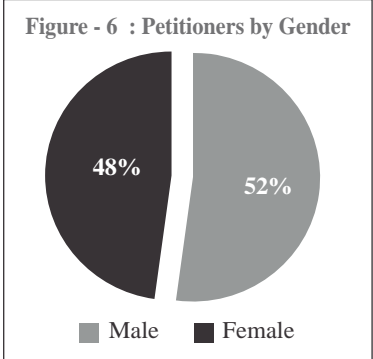
Among the petitioners, males were only marginally more than the females except in Kerala. The overall percentage was 52.2 per cent males compared to 47.8 per cent females. In Kerala, it was quite the reverse with 38% females

Table-10 : Petitioners by Place of Residence

State/Dist.	Male	Female	Total
Amritsar	8 (13.3)	8 (13.3)	16 (13.9)
Ludhiana	9 (15)	7 (12.7)	16 (13.9)
Punjab	17 (28.3)	15 (26.1)	32 (27.8)
Ambala	9 (15)	6 (10.9)	15 (13)
Gurugram	7 (11.7)	5 (9.1)	12 (10.4)
Haryana	16 (26.7)	11 (20)	27 (23.4)
Ernakulam	4 (6.7)	11 (20)	15 (13)
Trivandrum	5 (8.3)	10 (18.2)	15 (13)
Kerala	9 (15)	22 (38.2)	30 (26)
Chennai	14 (23.3)	0 (0)	14 (12.2)
Thiruvallur	4 (6.7)	8 (14.5)	12 (10.4)
Tamil Nadu	18 (30)	8 (14.5)	26 (22.6)
Total	60 (100)	55 (100)	115 (100)

Figures in Parentheses are column wise percentages

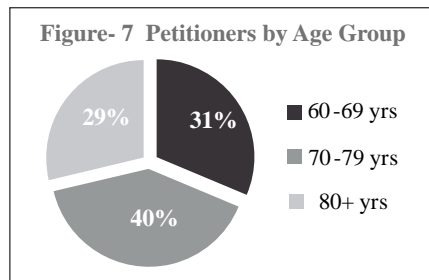
Among the petitioners, males were highest in the age group of 70-79 years (50 per cent) and lowest in above 80 years (23 per cent). However, for the females, highest number was in the age group of 60-69 years (36 per cent) and lowest in the age group of 70-79 years.



and 15% males. In contrast, in the neighbouring state of Tamil Nadu, the number of female petitioners was comparatively much lower 14.5%. In the North, in Haryana a similar trend was observed. In Tamil Nadu, during the discussion with the respondents, the researcher noticed that the females were bit diffident and did not want get involved in a court case with their own children. The explanation for this behaviour was both in terms of emotional and cultural factors.

The age group of the petitioners are classified into 3 categories i.e. 60-69 years, 70-79 years and more than 80 years. The highest number of petitioners were found in the age group 70-79 years, 46 petitioners (40 Per cent) followed by 60-69 years, 36 petitioners

(31.3 per cent). Nearly one third (29 per cent) of the respondents were in the age group of more than 80 years, which should be a matter of concern, for both, the society and the policy makers.



They have mobility problems coupled with hearing, vision and memory related issues. The table below shows that, Punjab has highest number of petitioners in the age group above 80 years. It is also important to mention here that in the neighbouring state of Haryana only 9% were in this age bracket. In Kerala the highest number of petitioners was in the age group of 60-69 years.

The marital status of petitioners show that the majority were currently married (46.9 per cent) followed by widows (37.4 per cent), widower (2.2 per cent), separated and divorced 2 per cent each. In other words, 44% were without the spouse and consequently without the moral and emotional support to fight this battle with the children to live with dignity. The percentage

Table-11 : Petitioners by Distribution of Age

State/Dist.	60-69 years	70-79 years	80 +	Total
Amritsar	4 (11.1)	5 (10.9)	7 (21.1)	16 (13.9)
Ludhiana	3 (8.3)	7 (15.2)	6 (18.2)	16 (13.9)
Punjab	7 (19.4)	12 (26.1)	13 (39.3)	32 (27.8)
Ambala	4 (11.1)	8 (17.4)	3 (9.1)	15 (13)
Gurugram	6 (16.7)	6 (13)	0 (0)	12 (10.4)
Haryana	10 (27.8)	14 (30.4)	3 (9.1)	27 (23.4)
Ernakulam	6 (16.7)	3 (6.5)	6 (18.2)	15 (13)
Trivandrum	5 (13.9)	7 (15.2)	3 (9.1)	15 (13)
Kerala	11 (30.6)	10 (21.7)	9 (27.3)	30 (26)
Chennai	4 (11.1)	6 (13)	4 (12.1)	14 (12.2)
Thiruvallur	4 (11.1)	4 (8.7)	4 (12.1)	12 (10.4)
Tamil Nadu	8 (22.2)	10 (21.7)	8 (24.2)	26 (22.6)
Total	36 (100)	46 (100)	33 (100)	115 (100)

Figures in Parentheses are column wise percentages

of widow petitioners was highest in Kerala and the percentage of currently married petitioners was almost equal in Punjab, Haryana and Tamil Nadu. Separated petitioners were only in Kerala and divorced petitioners only in Tamil Nadu.

Figure - 8 : Petitioners by Marital Status

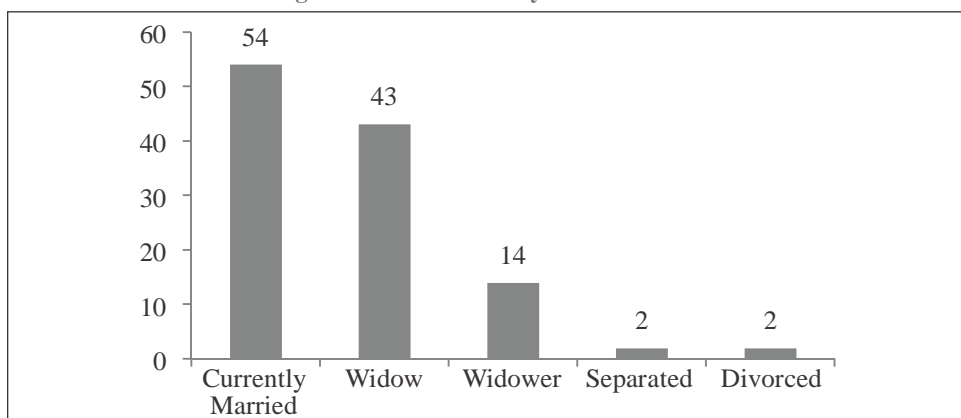


Table - 12 : Petitioners by Marital Status

State/Dist.	Currently Married	Widow	Widower	Separated	Divorced	Total
Amritsar	5 (9.3)	7 (16.3)	4 (28.6)	0 (0)	0 (0)	16 (13.9)
Ludhiana	10 (18.5)	6 (14.0)	0 (0)	0 (0)	0 (0)	16 (13.9)
Punjab	15 (27.8)	13 (30.3)	4 (28.6)	0 (0)	0 (0)	32 (27.8)
Ambala	10 (18.5)	4 (9.3)	1 (7.1)	0 (0)	0 (0)	15 (13)
Gurugram	5 (9.3)	4 (9.3)	3 (21.4)	0 (0)	0 (0)	12 (10.4)
Haryana	15 (27.8)	8 (18.6)	4 (28.5)	0 (0)	0 (0)	27 (23.4)
Ernakulam	4 (7.4)	9 (20.9)	1 (7.1)	1 (50)	0 (0)	15 (13)
Trivandrum	4 (7.4)	9 (20.9)	1 (7.1)	1 (50)	0 (0)	15 (13)
Kerala	9 (14.8)	19 (41.8)	2 (14.2)	2 (100)	0 (0)	30 (26)
Chennai	10 (18.5)	0 (0)	3 (21.4)	0 (0)	1 (50)	14 (12.2)
Thiruvallur	6 (11.1)	4 (9.3)	1 (7.1)	0 (0)	1 (50)	12 (10.4)
Tamil Nadu	16 (29.6)	4 (9.3)	4 (28.5)	0 (0)	2 (100)	26 (22.6)
Total	54 (100)	43 (100)	14 (100)	2 (100)	2 (100)	115 (100)

Figures in Parentheses are column wise percentages

Currently married petitioners were highest in the age group of 70-79 (48 per cent) years and lowest in more than 80 years. Widows were also highest in more than 80 years (35 per cent). Widow petitioners were almost equally distributed in all the three age groups; but, slightly higher in more than 80 years. Widower petitioners were slightly high in the age group of 70-79 years. There were no separated or divorced petitioners in the age group of 70-79 years.

In order to understand the educational attainment of the petitioners, the educational levels were grouped into categories Viz. illiterate, literate, primary, high school, graduate, post graduate and professionals. Amongst the petitioners, 23.5 per cent were illiterate and 23.5 per cent studied up to primary level. 10.4 per cent were only literate who could read a bit of local language or sign. 22 per cent studied up to high school level and 7 per cent each studied up to graduate and post graduate level. It is important to mention that, 6 per cent of the petitioners had a professional degree. In Punjab, the maximum numbers of petitioners were illiterate. In Tamil Nadu, the petitioners were mainly in the categories up to Primary level. However, in Haryana and Kerala, the petitioners included people with educational attainment ranging from high school to professional degree.

Figure - 9 : Petitioners by Educational Attainment

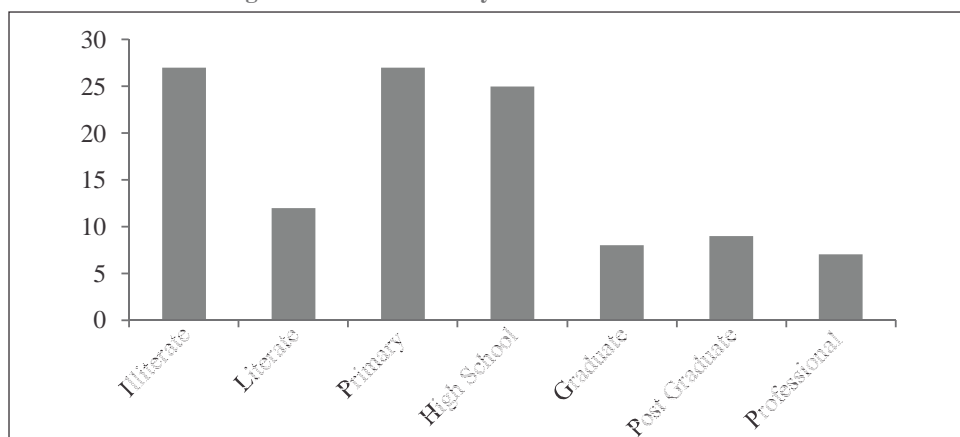


Table 13 : Petitioners by Educational Attainment: State/District Wise Break Up

State/Dist.	Illiterate	Literate	Primary	High School	Graduate	PG	Professional	Total
Amritsar	8 (29.6)	0 (0)	4 (14.8)	4 (16)	0 (0)	0 (0)	0 (0)	16(13.9)
Ludhiana	5 (18.5)	1 (8.3)	4 (14.8)	4 (16)	1 (12.5)	1 (12.5)	1 (14.3)	16 (13.9)
Punjab	13 (48.1)	1 (8.3)	8 (29.6)	8 (32)	1 (12.5)	1 (12.5)	1 (14.3)	32 (27.8)
Ambala	4 (14.8)	2 (16.7)	4 (14.8)	3 (12)	1 (12.5)	1 (12.5)	1 (14.3)	15 (13)
Gurugram	1 (3.7)	0 (0)	2 (7.4)	2 (8)	2 (25)	1 (12.5)	3 (42.9)	15 (13)
Haryana	5 (18.5)	2 (16.7)	6 (22.2)	5 (20)	3 (37.5)	2 (25)	4 (57.2)	30 (26)
Ernakulum	3 (11)	2 (16.7)	4 (14.8)	6 (24)	0 (0)	0 (0)	0 (0)	12 (10.4)
Trivandrum	0 (0)	0 (0)	0 (0)	2 (8)	4 (50)	4 (50)	2 (28.6)	15 (13)
Kerala	3 (11.1)	2 (16.7)	4 (14.8)	8 (32)	4 (50)	4 (50)	2 (28.6)	27 (23.4)
Chennai	3 (11.1)	4 (33.3)	5 (18.5)	2 (8)	0 (0)	0 (0)	0 (0)	14 (12.2)
Thiruvallur	3 (11.1)	3 (25.1)	4 (14.8)	2 (8)	0 (0)	0 (0)	0 (0)	12 (10.4)
Tamil Nadu	6 (22.2)	7 (58.4)	9 (33.3)	4 (16)	0 (0)	0 (0)	0 (0)	26 (22.6)
Total	27 (100)	12 (100)	27 (100)	25(100)	8 (100)	9 (100)	7(100)	115 (100)

Figures in Parentheses are column wise percentages

In order to assess the economic condition of the petitioners information about their past occupation and salary was sought. For the petitioners who were retired, information on their last salary drawn, retirement year and pension amount was also collected. The pension varies from Rs.700 per month to Rs. 30,000 per month. The per month pension amount was classified into 3 categories Viz. less than Rs 10,000, Rs.10,001-20000 and more than Rs 20,000. Among the petitioners who received pension, 9 of them (52.9 per cent) receive less than Rs10,000, 3 of them(17.6 per cent) got Rs. 10,001- 20,000 and 5 of them get (29.4 per cent) more than Rs. 20,000 a month.

The petitioners who received pension had mainly filed petitions to deal with abusive children. In some cases, the children and wife had colluded to throw the father out of his home. In two cases, one of a professor and another of retired armed forces personnel, the aggrieved father filed petition to get some space in his house to live.

Figure - 10 : Petitioners by Previous Occupation

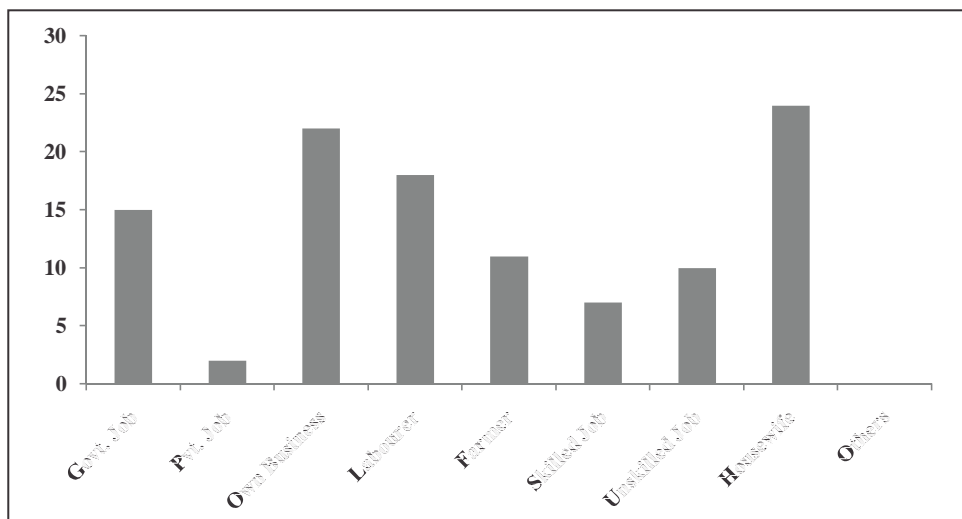


Table - 14 : Petitioners by Previous Occupation

State/Dist.	Govt Job	Pvt. Job	Own Business	Labour	Farmer	Skilled worker	Un Skilled worker	House wife	Others	Total
Amritsar	1 (6.6)	0 (0)	5 (22.7)	1 (5.6)	1 (9.1)	1 (14.3)	1 (10)	6 (25)	0 (0)	16 (13.9)
Ludhiana	4 (26.6)	0(0)	2 (9.1)	2 (11.1)	0 (0)	2 (28.5)	2 (20)	0 (0)	5 (100)	16 (13.9)
Punjab	5 (33.2)	0 (0)	5 (31.8)	3 (16.7)	1 (9.1)	3 (33.3)	3 (30)	6 (25)	5 (100)	32 (27.8)
Ambala	4 (26.6)	0 (0)	7 (31.8)	1 (5.6)	0 (0)	1 (14.3)	2 (20)	0 (0)	0 (0)	15 (13)
Gurugram	1 (6.6)	2(66.6)	5 (22.7)	1 (5.6)	0 (0)	1 (14.3)	1 (10)	4 (16.7)	0 (0)	12 (10.4)
Haryana	5 (33.2)	2 (66.6)	12 (34.5)	2 (11.2)	0 (0)	2 (28.6)	3 (30)	4 (16.7)	0 (0)	27 (23.4)
Ernakulum	2 (13.3)	1(33.3)	0 (0)	4 (22.2)	3 (27.3)	0 (0)	1 (10)	5 (20.8)	0 (0)	15 (13)
Trivandrum	2 (13.3)	0 (0)	0 (0)	4 (22.2)	3 (27.3)	0 (0)	2 2(0)	5 (20.8)	0 (0)	15 (13)
Kerala	4 (26.6)	1(33.3)	0 (0)	8 (44.4)	6 (54.6)	0 (0)	3 (30)	10(41.6)	0 (0)	30 (26)
Chennai	1(6.6)	(0)	3 (16.7)	3 (16.7)	1 (9.1)	1 (14.3)	0 (0)	0 (0)	0 (0)	14 (12.2)
Thiruvallur	0 (0)	0 (0)	0 (0)	2 (11.1)	3 (27.3)	1 (14.3)	1 (10)	4 (16.7)	0 (0)	12 (10.4)
Tamil Nadu	1(6.6)	0 (0)	3 (16.7)	5 (27.8)	4 (34.4)	2 (28.6)	1 (10)	4 (16.7)	0 (0)	26 (22.6)
Total	15(100)	3 (100)	22 (100)	18 (100)	11 (100)	7 (100)	10 (100)	24(100)	5 (100)	115(100)

Figures in Parentheses are column wise percentages

A question was also asked to all petitioners about their current engagement as well as previous occupation. The profile of previous occupation of the petitioners showed that, 24 of them (20.1 per cent) were house manager followed by petitioners who ran small shop or petty business 22 (19.1 per cent) and labours 18 (15.1 per cent). The petitioners who ran small shop or petty business was highest in Haryana followed by Punjab. Labours were highest in Kerala this may be due to the fact that, in Kerala daily wage rate is very high and one can see these days many labours from other states such as Bihar, Uttar Pradesh, Orissa and West Bengal are migrating to Kerala.

The data about their current occupation showed that 81 petitioners (70 per cent) were not employed and 22 of them (20 per cent) were house managers still doing household work.

In this study, the data showed that the majority of the petitioners 48 of them (41.7 per cent) were living with one of their children; son, daughter, or grandchildren followed by 34 petitioners living alone (29.5 per cent). One fourth of the petitioners lived with their spouse only and 4 (3.5 per cent) lived in private old age homes.

The information on present living arrangements shows that, the highest number of petitioners living alone was in Tamil Nadu followed by Punjab and Haryana. The number of petitioners living with one of the children was highest in Kerala.

The petitioners living in old age homes filed petitions because they were in private homes

Figure - 11 : Petitioners by Living Arrangements

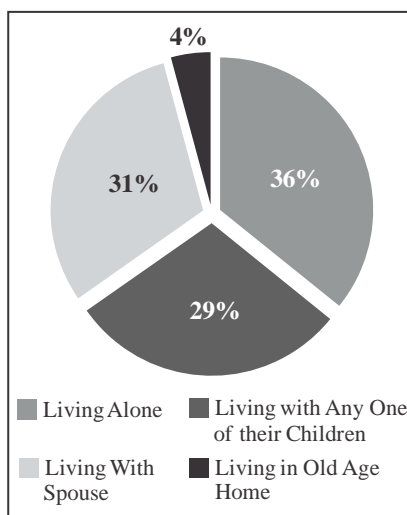


Table - 15 : Petitioners by Living Arrangements

State/Dist.	Living Alone	Living with one of the children	Living with Spouse only	Living In private old age homes	Total
Amritsar	5 (14.7)	7 (14.6)	3 (10.3)	1 (25)	16 (13.9)
Ludhiana	4 (11.8)	5 (10.4)	7 (24.1)	0 (0)	16 (13.9)
Punjab	(26.5)	12 (25)	10 (24.4)	1 (25)	32 (27.8)
Ambala	6 (17.6)	6 (12.5)	3 (10.3)	0 (0)	15 (13)
Gurugram	3 (8.8)	5 (10.4)	3 (10.3)	0 (0)	12 (10.4)
Haryana	(26.4)	11 (22.9)	6 (20.6)	0 (0)	27 (23.4)
Ernakulam	2 (5.9)	8 (16.7)	4 (13.8)	1 (25)	15 (13)
Trivandrum	2 (5.9)	8 (16.7)	4 (13.8)	1 (25)	15 (13)
Kerala	(11.8)	16 (33.4)	8 (27.6)	2 (50)	30 (26)
Chennai	8 (23.5)	4 (8.3)	2 (6.9)	0 (0)	14 (12.2)
Thiruvallur	4 (11.8)	5 (10.4)	3 (10.3)	0 (0)	12 (10.4)
Tamil Nadu	12 (35.3)	9 (18.7)	5 (17.2)	0 (0)	26 (22.6)
Total	34 (100)	48 (100)	29 (100)	3(100)	115 (100)

Figures in Parentheses are column wise percentages

In the age group of 60-69 years, 15 (42 per cent) were living with one of the children and 3 (8 per cent) were in Old age homes. It is important to mention that in the age group of more than 80 years, 14 (42 per cent) were living alone. Among males the highest number 24 (40 per cent) were living with their spouse only. 9 per cent of the females were living with their spouses only. Nearly 30 per cent of the petitioners lived alone without any family support.

Among the petitioners who were getting old age pension, 44 (55 per cent) mentioned that, they were getting the pension regularly. 36 (45 per cent) mentioned that they were not receiving the payment of the pension monthly, it was erratic and mostly arrears were during festival time. Among the 43 widows in this study, 7 were getting widow pension and rest old age pension.

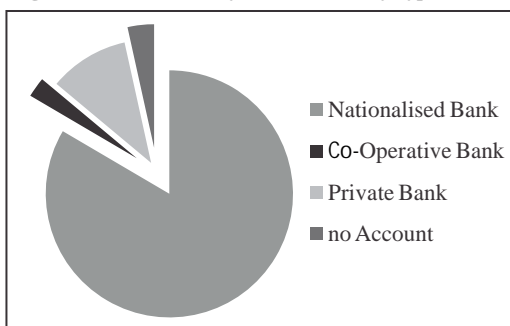
While applying for the old age pension none of the petitioners faced any problem. The respondents informed that the local elected body members took special interest to facilitate. The old age pension is normally distributed through bank accounts. All the petitioners except 4 (all from Kerala) had a bank account in either a nationalised, cooperative or private bank. In few cases, the old age pensions were distributed through Panchayats, mostly to help those who do not have any bank account. Most of them showed the bank pass book as a proof.

and need to pay the money on a monthly basis. The children paid the money for some time and then stopped it. Therefore, the old age home authorities helped the older persons to file the petition. Few of them were receiving maintenance allowance on a regular basis, as bank transfer.

3.2.1 Old Age Pension

Among the petitioners, 80 (69.6 per cent) were getting some kind of old age pension either from government or other agencies. 17 (14.4 per cent) were getting the pension from their previous employment. It is important that, 18 among them (15.6 per cent) were not *getting any pension* and they were totally economically dependent on either their children or any relative.

Figure - 11 : Petitioners by Bank Account by Type of Banks



The petitioners having a bank account, 96 (86.5 percent) had an account in one of the nationalised banks, 12 (10.8 per cent) in private bank and 3 (2.7) in cooperative bank.

Punjab had the highest number of petitioners having bank account in a nationalised bank; most of the accounts were with Punjab National Bank, followed by

Haryana. The branches were located within a range of 4-5 Kms and all of them had access to the bank for easy operations. Only petitioners in Tamil Nadu reported account in a private bank.

Table - 16 : Petitioners by Bank Account by Type of Banks

State/Dist.	Nationalised Bank	Cooperative Bank	Private Bank	No Account	Total
Amritsar	15 (15.6)	1 (33.3)	0 (0)	0 (0)	16 (13.9)
Ludhiana	16 (16.7)	0 (0)	0 (0)	0 (0)	16 (13.9)
Punjab	31 (32.3)	1 (33.3)	0 (0)	0 (0)	32 (27.8)
Ambala	15 (15.6)	0 (0)	0 (0)	0 (0)	15 (13)
Gurugram	12 (12.5)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	27 (28.1)	0 (0)	0 (0)	0 (0)	27 (23.4)
Ernakulam	12 (12.5)	1 (33.3)	0 (0)	2 (50)	15 (13)
Trivandrum	12 (12.5)	1 (33.3)	0 (0)	2 (50)	15 (13)
Kerala	24 (25)	2 (66.6)	0 (0)	4 (100)	30 (26)
Chennai	8 (8.3)	0 (0)	6 (50)	0 (0)	14 (12.2)
Thiruvallur	6 (6.2)	0 (0)	6 (50)	0 (0)	12 (10.4)
Tamil Nadu	14 (14.5)	0 (0)	12 (100)	0 (0)	26 (22.6)
Total	96 (100)	3 (100)	12 (100)	4 (100)	115(100)

Figures in Parentheses are column wise percentages

3.2.2. Digital Literacy

Among all the petitioners, only 11 (9.6 per cent) owned a smart phone and were capable of handling a smart phone by themselves. These 11 petitioners were spread 3 in Ludhiana, 3 in Ambala and 5 in Gurugram. But, it is interesting to note that 8 knew only basic operations of the smart phone, 2 could do little more than basic and only one could manage advanced operations in the smart phone.

3.2.3 Peer Group Interaction

To know about the social integration of the petitioners, they were asked if they were member of any old age club or any such informal group such as neighbourhood club, day care centre, old age centre run by NGOs etc. where they can spend time with the peers. Only 6 petitioners (3 each in Ludhiana and Ambala) mentioned that they either member or visit such a group where they go to spend time with their peers. Among the petitioners with better peer group interaction, 2 visited neighbourhood clubs and 4 visited day care centre run by NGOs in the locality.

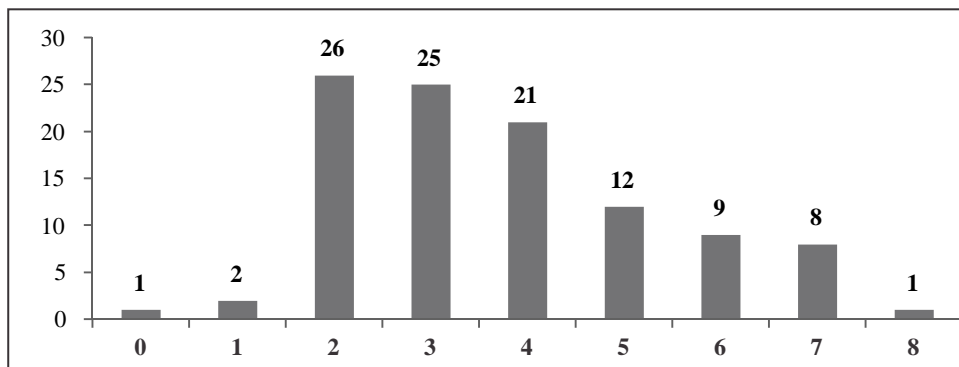
3.3 Socio Economic Details of the Children

The background information about the family of the petitioner was also collected. This included details about number of children, gender, age, education, occupation, monthly income and marital status. The educational level was categorised into illiterate, higher secondary/vocational education like ITI, graduation and above. The age group categorised into up to 50 years, 51-60 years and above 60 years. The occupation was grouped into skilled, un-skilled and professional job. The income

was grouped into up to Rs.10,000 per month, Rs. 10,001-25,000, more than Rs. 25,000 but less than Rs.1,00,000 and more than Rs.1 lakh.

All of the petitioners had children. 26 petitioners had 2 children (22.6 per cent), 25 (21.1 per cent) has 3 children, 21 (18.3 per cent) had 4 children. Further the petitioners were grouped into three categories: up to 2 children, 3-6 children and more than 6 children. 52 petitioners (45.3 per cent) had up to 2 children and 39 (27.3 per cent) had 3-6 children and 23 (20 per cent) had more than 6 children. In the first group Kerala topped the list and in the category of more than 6 children Tamil Nadu reported maximum percentage.

Figure - 13 : Petitioners by Number of Children



While analysing the number of male and female children, it is noticed that, 69 (60 per cent) had up to 2 male children, 38 (33 per cent) had 3-6 male children and 2 (1.7 per cent) had more than 6 male children. It is important to mention that 6 (5.2 per cent) did not have any male children. On the other hand, 45 of them have up to 2 female children and no one has more than 6 female children.

Table - 17 : Petitioners by Total Number of Children

State/Dist.	Up to 2	3-6	More than 6	Total
Amritsar	2 (5.1)	11 (21.2)	3 (13)	16 (13.9)
Ludhiana	3 (7.7)	10 (19.2)	3 (13)	16 (13.9)
Punjab	5 (12.8)	21 (40.4)	6 (26)	32 (27.8)
Ambala	2 (5.1)	8 (15.4)	5 (21.7)	15 (13)
Gurugram	7 (17.9)	5 (9.6)	0 (0)	12 (10.4)
Haryana	9 (23)	13 (25)	5 (21.7)	27 (23.4)
Ernakulam	7 (17.9)	5 (9.6)	3 (13)	15 (13)
Trivandrum	9 (23.1)	3 (5.8)	2 (8.7)	15 (13)
Kerala	16 (50)	8 (15.4)	5 (21.7)	30 (26)
Chennai	6 (15.4)	4 (7.7)	4 (17.4)	14 (12.2)
Thiruvallur	3 (7.7)	6 (11.5)	3 (13)	12 (10.4)
Tamil Nadu	9 (23.1)	10 (19.2)	7 (30.4)	26 (22.6)
Total	39(100)	52(100)	23(100)	115 (100)

Figures in Parentheses are column wise percentages

In the age group of 60-69 years, maximum number of petitioners had 3 children. In the age group of 70-79 years, maximum number of petitioners had 3-6 children. 21 per cent of the petitioners in the age group of more than 80 years had more than 6 children.

In order to analyse the educational level of the children, the educational levels are grouped into categories such as up to higher secondary, graduation and above. 29 petitioners(25.2per cent) had at least one illiterate child, 107 of them (93.1 per cent)

had at least one child who had completed higher secondary and 37 (32.2 per cent) had at least one child who was a graduate or above. This shows that, nearly three fourth of the petitioners had educated children and most of them had at least one son who could take care of them and still they have to approach the Tribunal for ensuring decent living.

The age of the children was grouped in to 3 categories: less than 50 years, 51-60 years and above 60 years. Among the petitioners, 96 (83.5 per cent) had at least one child in the age group of less than 50 years, 62 (53.9 per cent) had at least one child in the age group 51-60 years and 32 (27.8 per cent) had at least one child above 60 years. This shows that, nearly one fourth of the petitioners had at least one child who was also a senior citizen. In a way, the petitioner was filing against his son who was also a senior citizen. The decision makers were a bit confused what one should do if both of the petitioner and opponent were senior citizens. In Kerala and Tamil Nadu, while discussing with the stakeholders, this point emerged.

The employment of the children was mainly classified into two categories: skilled job and unskilled job. 93 petitioners (80.9 per cent) had at least one child with a skilled job and 62 of them (53.4 per cent) had at least one among them doing some kind of unskilled job. This shows that, collectively the children had the economic capacity to take care of the old parent/s, but, were probably unwilling to shoulder the responsibility.

As mentioned above, the income levels of own children was grouped into 4 categories: less than Rs. 10,000, Rs. 10,001-25,000, more than Rs. 25,000 but less than Rs. 1,00,000 and More than Rs.1,00,000. The highest number of 62 (53.9 per cent) had at least one child earning between Rs. 10,001-25,000 per month, 54 (46.9 per cent) had at least one child earning less than Rs. 10,000 per month, 43 (37.4 per cent) had at least one child earning more than Rs 25,000 but less than Rs1 lakh and 22 (19.1 per cent) had at least one child earning more than Rs. 1,00,000 per month. Therefore, it can be concluded that, most of the petitioners had enough number of children who were educated, having decent employment and could afford to look after their parent/s.

3.4 Opinion about Living Arrangements

Among the petitioners, 57 (49.5 per cent) did not prefer a joint family. However, 58 (50.4 per cent) still preferred to live in a joint family. The people preferred to stay in the joint family because 37 (63.8 per cent) believed that it was a source of mutual help, 16 (27.8 per cent) felt it was a great pleasure to live with children and grandchildren, only 4 of them (6.8 per cent) believed that children will be of help when in need or un well. Therefore, one can say that *it is not only the young generation, nearly fifty per cent of the senior citizen prefer to live in a nuclear family where they can have own privacy and freedom.*

Most of the petitioners had enough number of children who were educated, having decent employment and could afford to look after their old parent/s.

More men want to live in joint family (58 per cent) compared to females (42 per cent)

3.4.1 Opinion about Living in Old Age Home

Since there is provision in the Act to make old age homes in every district, the opinion of the petitioners on living in old age home was asked. Majority of them 71 (61.7 per cent) did not prefer to stay in an old age home. 29 petitioners (25.2 per cent) took it as the last resort and 13(11.3 per cent) found the arrangement acceptable.

Table 18 shows that, the maximum number of petitioners who did not prefer old age homes were from Punjab and Haryana. Kerala topped

62 per cent of the petitioners did not prefer to stay in old age homes. There were more men than women in this category. 25 per cent considered old age home as the last resort. Only 10 per cent considered old age homes as acceptable. 30 per cent in the age group of 70-79 years did not prefer old age homes; only 9 per cent in the age group of 60-69 years found it acceptable.

Table- 18 : Petitioners by Opinion on Living in an Old Age Home

State/Dist.	Do not Prefer	Last Resort	Prefer to Die	Acceptable Option	Total
Amritsar	12 (16.9)	2 (6.9)	0 (0)	2 (15.4)	16 (13.9)
Ludhiana	12 (16.9)	4 (13.8)	0 (0)	0 (0)	16 (13.9)
Punjab	24 (33.8)	6 (20.7)	0 (0)	2 (15.4)	32 (27.8)
Ambala	11 (15.5)	4 (13.8)	0 (0)	0 (0)	15 (13)
Gurugram	10 (14.1)	1 (3.4)	0 (0)	1 (7.7)	12 (10.4)
Haryana	21 (29.6)	5 (17.2)	0 (0)	1 (7.7)	27 (23.4)
Ernakulam	7 (9.9)	5 (17.2)	0 (0)	3 (23.1)	15 (13)
Trivandrum	7 (9.9)	5 (17.2)	0 (0)	3 (23.1)	15 (13)
Kerala	14 (19.8)	10 (34.4)	0 (0)	6 (46.2)	30 (26)
Chennai	5 (7)	5 (17.2)	0 (0)	4 (30.8)	14 (12.2)
Thiruvallur	7 (9.9)	3 (10.3)	2 (100)	0 (0)	12 (10.4)
Tamil Nadu	12 (16.9)	8 (27.5)	2 (100)	4 (30.8)	26 (22.6)
Total	71 (100)	29 (100)	2 (100)	13 (100)	115(100)

Figures in Parentheses are column wise percentages

problems in their own home, still it was preferred to an old age home.

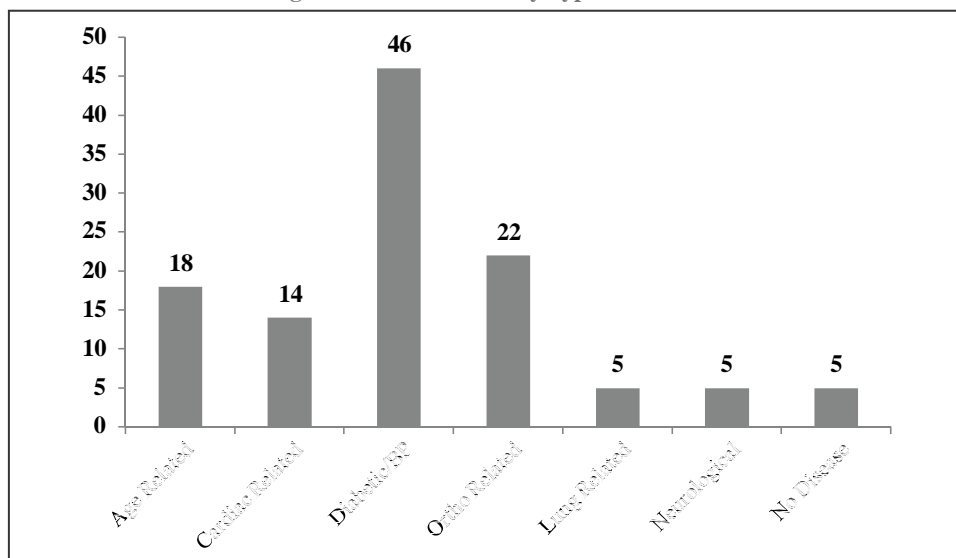
the list of people who found old age homes as acceptable arrangement. In the Act, there is a provision to make old age homes in every district and one such home should accommodate 150 old persons. If government is serious in making old age homes, it seems there will be only few takers. Few of the petitioners mentioned that, though there were lots of

3.5 Morbidity Profile of the Petitioners

This section mainly analyses the health profile of the petitioners. 106 petitioners (92.2per cent) had one or the other chronic disease. The diseases were grouped into categories: age related problems, cardiac issues, Diabetes, blood pressure, orthopaedic related, lung related, Neurological, memory related and any other. Highest number of petitioners 46 (40.0 per cent) were suffering from diabetes or blood pressure followed by orthopaedic issues 22 (19.1 per cent) age related problems were reported by 18 (15.7 per cent). The following table shows that, diabetes, BP were highest among Punjab, Kerala and Haryana.

Comparatively more men reported age related issues, diabetes /BP and lung related issues. Cardiac related issues and orthopaedic related issues were high among females. It is noticed that, cardiac related issues were high in the age group of 60-69 years, BP/diabetic, and orthopaedic related issues were high in the age group of 70-79 years.

Figure - 14 : Petitioners by Type of Disease



Among the petitioners, who did not have any chronic disease, there were more males than females. Highest number of sick petitioners was in the age group of 70-79 years and lowest in 80 years or more age group. BP/diabetics were highest among males.

As far as the treatment was concerned 76 (66.1 per cent) were under long time medication, and 37 (32.1 per cent) took medication occasional. There were also few cases of surgery of the spouse. Considering the age factor 108 (93.9 per cent) were able to walk independently and 7 (6.1 per cent) needed the support of a walking stick. None of them needed wheel chair or any other mechanisms to move around. Majority of the respondents 80 (69.6 per cent) spend less than Rs 1000 per month for treatment and medication and 25 (30.4 per cent) spend more than Rs 1000.

Table- 19 : Morbidity Profile of the Respondents

State/Dist.	Age Related	Cardiac Related	Diabetic/ BP	Ortho Related	Lung related	Neuro	No Disease	Total
Amritsar	2 (11.1)	0 (0)	8 (17.4)	5 (22.7)	0 (0)	0 (0)	1 (20)	16 (13.9)
Ludhiana	5 (27.8)	0 (0)	7 (15.2)	2 (9.1)	0 (0)	0 (0)	2 (40)	16 (13.9)
Punjab	7 (38.9)	0 (0)	15 (32.6)	7 (31.8)	0 (0)	0 (0)	3 (60)	32 (27.8)
Ambala	5 (27.8)	0 (0)	6 (13)	2 (9.1)	0 (0)	0 (0)	2 (40)	15 (13)
Gurugram	1 (5.6)	2 (14.3)	5 (10.9)	4 (18.2)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	6 (33.4)	2 (14.3)	11 (23.9)	6 (27.3)	0 (0)	0 (0)	2 (40)	27 (23.4)
Ernakulam	1 (5.6)	3 (21.4)	6 (13)	2 (9.1)	2 (40)	1 (20)	0 (0)	15 (13)
Trivandrum	1 (5.6)	3 (21.4)	6 (13)	2 (9.1)	2 (40)	1 (20)	0 (0)	15 (13)
Kerala	2 (11.2)	6 (42.8)	12 (26)	4 (18.2)	4 (80)	2 (40)	0 (0)	30 (26)
Chennai	1 (5.6)	5 (35.7)	4 (8.7)	3 (13.6)	0 (0)	1 (20)	0 (0)	14 (12.2)
Thiruvallur	2 (11.1)	1 (7.1)	4 (8.7)	2 (9.1)	1 (25)	2 (20)	0 (0)	12 (10.4)
Tamil Nadu	3 (16.7)	6 (42.8)	8 (17.4)	5 (22.7)	1 (25)	3 (40)	0 (0)	26 (22.6)
Total	18 (100)	14 (100)	46 (100)	22 (100)	5 (100)	5 (100)	5 (100)	115 (100)

Figures in Parentheses are column wise percentages

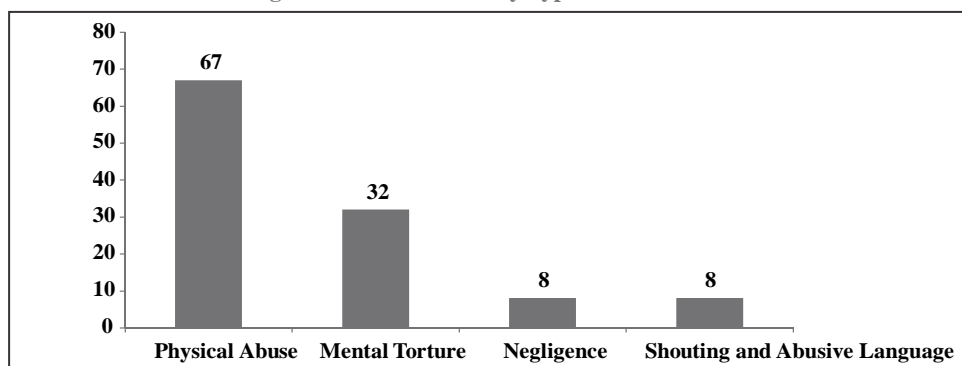
3.6 Property and Harassment

In this section an attempt is made to analyse the details of property and harassment faced due to non- transfer of property to the children. Among the petitioners, 111 (96.5 per cent) possessed some kind of immovable property in the name of self or spouse or in joint name. Only 4 petitioners (3.5 per cent) did not have any immovable property. Most of them owned a piece of land or small house or agriculture land, shops etc. It is important that, 96 (83.5 per cent) had already transferred the entire immovable property in favour of their children. 21 (18.3 per cent) had either transferred part of it to children or still in their/spouse name.

Those who did not transfer the property in favour of their child/children cited several reasons for this. 10 petitioners wanted to keep it for old age security, 7 mentioned that the bad behaviour of their children and 2 because of conflicts among children regarding the portion. All the petitioners mentioned that, they suffered different kind of harassment at the hands of their children (son/s and daughter/s-in law) at one time or another for various reasons including property transfer.

More male petitioners faced physical abuse compared to females. Comparatively more females faced mental torture than males. Men reported facing neglect and verbal abuse. 17 per cent of the petitioners in the age group 80 plus faced physical abuse. In all the age groups, physical abuse and mental torture were commonly reported.

Figure - 15 : Petitioners by Type of Harassment



The most common type of harassment was physical abuse which included beating and hitting. 67 (58.3 per cent) petitioners mentioned suffering some kind of physical abuse such as beating, hitting, pushing etc by their own children. 32 petitioners (27.8 per cent) reported mental torture, 8 (6.9 per cent) each faced neglect and verbal abuse.

In Punjab, one of the petitioners mentioned that, in order to capture his hardware business the sons even threatened to kill him. They beat him up on various occasions. One of them broke his teeth and tried to break his hand. In another case, the father was running a small hosiery factory. They learnt everything about the business from him and then wanted to throw him out. His wife also supported the sons and he was left alone. Many times they hit him badly and once broke his fingers.

A widow mentioned that her son, daughter in law and granddaughter jointly beat her regularly. She was locked inside the bath room and water was poured outside so that she would slip and break her head. In Kerala one 85 year old widower mentioned that, his son had broken his shoulder bone and it took considerable time to recover. Most of them broke down while narrating the incidents.

The following Table 20 shows the details of cases of abuse is highest in Punjab, mental torture is highest in Kerala and negligence is highest in Tamil Nadu.

There is a provision in the Act that, even though they had transferred the (self-acquired) property to the children, they could revoke it, if the children did not take care of the old parents. It was brought to the notice of the researcher that in some states this provision was applied retrospectively

Table - 20 : Petitioners by Type of Harassment

State/Dist.	Physical Abuse	Mental Torture	Negligence	Shouting	Total
Amritsar	10 (14.9)	5 (15.6)	0 (0)	1 (12.5)	16 (13.9)
Ludhiana	11 (16.4)	3 (9.4)	1 (12.5)	1 (12.5)	16 (13.9)
Punjab	21	8 (25)	1 (12.5)	2 (25)	32 (27.8)
Ambala	10 (14.9)	3 (9.4)	1 (12.5)	1 (12.5)	15 (13)
Gurugram	8 (11.9)	4 (12.5)	0 (0)	0 (0)	12 (10.4)
Haryana	18	7 (21.9)	1 (12.5)	1 (12.5)	27 (23.4)
Ernakulam	9 (13.4)	6 (18.8)	0 (0)	0 (0)	15 (13)
Trivandrum	9 (13.4)	6 (18.8)	0 (0)	0 (0)	15 (13)
Kerala	18 (26.8)	12	0 (0)	0 (0)	30 (26)
Chennai	5 (7.5)	4 (12.5)	2 (25)	3 (37.5)	14 (12.2)
Thiruvallur	5 (7.5)	1 (3.1)	4 (50)	2 (25)	12 (10.4)
Tamil Nadu	10 (15)	5 (15.6)	6 (75)	5 (62.5)	26 (22.6)
Total	67 (100)	32 (100)	8 (100)	8 (100)	115(100)

Figures in Parentheses are column wise percentages

while in others it was done prospectively. 75 petitioners (65.2 per cent)praised the provision for allo-wing the parents to revoke property transfer from errant children and cautioning the negligent children.25 (21.8 per cent) mentioned that, the provision enabled them to revoke the property and earn rent for a decent life. 9 petitioners (7.8 per cent) gave an emotional response about it and stated that the property would be useless after bitterness with children and emotional void in life without them. 6 petitioners (5.2 per cent) felt that once given to the children, no point of taking it back using legal measures.

3.7 Knowledge and Implementation of the Act

The major source of information of this Act was friends, close relatives and word of mouth. None of the petitioners knew about the monthly compensation ceiling or provision to authorise someone to represent them. Clearly, they had inadequate knowledge of the provisions of the Act.

It is important to know the source of information of this Act and also the challenges in implementing the Act in word and spirit. The petitioner were asked to identify the sources of information for this Act along with other questions pertaining to basic

knowledge of the provisions of the Act, problems faced while filing the petition, hearing and how they could overcome the problems to move forward.

The major source of information for this Act was friends as reported by 40 petitioners (34.8 per cent), followed by close relatives and newspaper 25 each (21.8 per cent). Some government official informed 17 petitioners (14.8 per cent) 4 of them (3.5 per cent) got to know about it through word of mouth. Only 2 of them got this message directly from some radio news/FM channel.

There were some variations among the states. Newspaper was reported as a source by maximum number of people in Kerala, followed by Tamil Nadu. The percentage of people who reported this source was very small in Punjab and Haryana. TV and Radio advertisements were reported as a source only by petitioners in Kerala. Similarly advocates were reported as a source by petitioners in Tamil Nadu only. Friends and relatives as a source of information were more or less similar in every state. Government officials were reported as a source by more petitioners in Punjab and Haryana followed by Tamil Nadu. Word of mouth was also reported as a source from Punjab and Haryana.

Figure - 16 : Petitioners by Source of Information of the Act

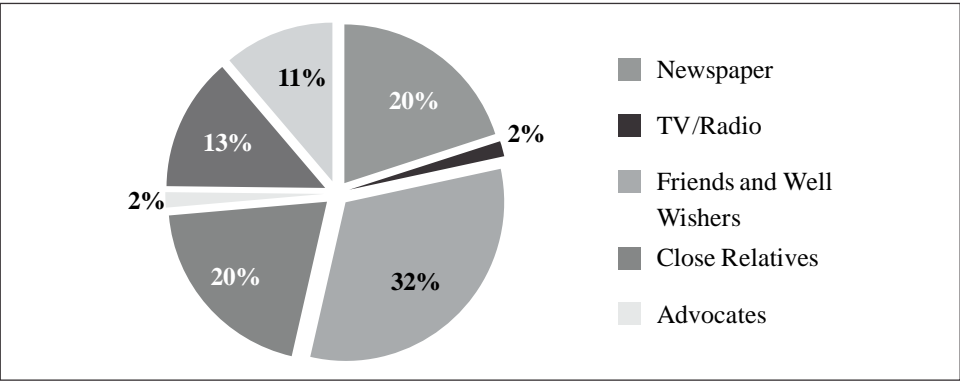


Table - 21 : Petitioners by Source of Information of the Act

State/Dist.	Newspaper	TV/Radio	Friends	Relatives	Advocate	Govt officials	Word of mouth	Total
Amritsar	0 (0)	0 (0)	5 (12.5)	5 (20)	0 (0)	5 (29.4)	1 (25)	16 (13.9)
Ludhiana	2 (8)	0 (0)	7 (17.5)	4 (16)	0 (0)	2 (11.8)	1 (25)	16 (13.9)
Punjab	2 (8)	0 (0)	12 (30)	9 (36)	0 (0)	7 (41.2)	2 (50)	32 (27.8)
Ambala	2 (8)	0 (0)	6 (15)	4 (16)	0 (0)	2 (11.8)	1 (25)	15 (13)
Gurugram	0 (0)	0 (0)	3 (7.5)	4 (16)	0 (0)	4 (23.5)	1 (25)	12 (10.4)
Haryana	2 (8)	0 (0)	9 (21.5)	8 (32)	0 (0)	6 (35.3)	2 (50)	27 (23.4)
Ernakulam	8 (32)	1 (50)	4 (10)	2 (8)	0 (0)	0 (0)	0 (0)	15 (13)
Trivandrum	8 (32)	1 (50)	4 (10)	2 (8)	0 (0)	0 (0)	0 (0)	15 (13)
Kerala	16 (64)	2 (100)	8 (20)	4 (16)	0 (0)	0 (0)	0 (0)	30 (26)
Chennai	2 (8)	0 (0)	6 (15)	4 (16)	0 (0)	2 (11.8)	0 (0)	14 (12.2)
Thiruvallur	3 (12)	0 (0)	5 (12.5)	0 (0)	2 (100)	2 (11.8)	0 (0)	12 (10.4)
Tamil Nadu	5 (20)	0 (0)	11 (27.5)	4 (16)	2 (100)	4 (23.6)	0 (0)	26 (22.6)
Total	25 (100)	2 (100)	40 (100)	25 (100)	2 (100)	17 (100)	4 (100)	115(100)

Figures in Parentheses are column wise percentages

76 petitioners (66.1 per cent) rated the Act as good and comprehensive if implemented in its true spirit. 16 (13.9 per cent) opined that, the Act was a good beginning and was hopeful that it will improve over a period of time when more people file petitions and more officers get involved in implementation. 11 petitioners felt that the Act needs to be re-examined and necessary changes or amendments for benefit of the aged persons should be made.

Table 22 below shows that, the petitioners in Punjab gave very high opinion about this Act followed by Haryana. They were satisfied with its implementation. But, some petitioners from Haryana thought that the implementation process should be improved. Comparatively more petitioners in Kerala and Tamil Nadu wanted a re-examination of the Act and also thought that it would improve over time.

Table - 22 : Petitioners by Opinion About the Act

State/Dist.	Covers all aspects	Need Re look	Good start	Overall good	Needs better implementation	Total
Amritsar	16 (21.1)	0(0)	0(0)	0(0)	0(0)	16 (13.9)
Ludhiana	10 (13.2)	1 (9.1)	3 (18.8)	2 (20)	0(0)	16 (13.9)
Punjab	36 (34.3)	1 (9.1)	3 (18.8)	2 (20)	0(0)	32 (27.8)
Ambala	7 (9.2)	2 (18.2)	3 (18.8)	0 (0)	2 (100)	15 (13)
Gurugram	12 (15.8)	0 (0)	0 (0)	1 (10)	0(0)	12 (10.4)
Haryana	19 (22)	2 (18.2)	3 (18.8)	1 (10)	2 (100)	27 (23.4)
Ernakulam	8 (10.5)	2 (18.2)	2 (12.5)	3 (30)	0(0)	15 (13)
Trivandrum	8 (10.5)	2 (18.2)	2 (12.5)	3 (30)	0(0)	15 (13)
Kerala	16 (21)	4 (36.4)	4 (25)	6 (60)	0(0)	30 (26)
Chennai	8 (10.5)	2 (18.2)	3 (18.8)	1 (10)	0(0)	14 (12.2)
Thiruvallur	7 (9.2)	2 (18.2)	3 (18.8)	0(0)	0(0)	12 (10.4)
Tamil Nadu	15 (19.7)	4 (36.4)	6 (37.6)	1 (10)	0(0)	26 (22.6)
Total	76 (100)	11 (100)	16 (100)	10 (100)	2 (100)	115(100)

Figures in Parentheses are column wise percentages

As far as the application process and legal procedures of the Act were concerned, 69 petitioners (60 per cent) felt that the application process and official procedures were very simple and easy to follow. These were the people who had no previous experience of approaching an authority to lodge a legal complaint. They were apprehensive that it would be very difficult and time consuming, but found it simple and easy. However, 25 (21.7 per cent) felt that one needs some help to file the petition especially if the complainant was less educated. 16 (13.9 per cent) said they could manage, as it was comparatively easy and did not require any external help. These respondents had previous experience of the legal procedures and found this process to be comparatively easy and more manageable by the older persons. Only 5 petitioners (4.3 per cent) wanted a provision to file the petition in the neighbourhood such as Taluk office or Village office, as it was very difficult for the aged to commute for several hearings. These petitioners were from Haryana and Kerala.

It is interesting to note that the knowledge about the Act did not go beyond the general perception that it was for the benefit of older persons harassed by their children. None of the petitioners knew the ease of process, timely decisions and

amount of maintenance allowance e.g. none of the petitioners knew that they could authorise any individual or organisation to file the petition on their behalf and could go for hearings etc. They did not know that the case should be settled within 90-days from the date of filing of the application. Also, none of the petitioners knew that the maximum amount of the monthly maintenance allowance was Rs 10,000 per month. This shows that, the petitioners did not have enough knowledge about the Act. This needs to be addressed so that, no one should take advantage of their ignorance.

Table - 23 : Petitioners by Opinion About Application and Legal Procedures

State/Dist.	Simple	Less educated need some help	Comparatively Easy to Manage	Provision to file in neighbour hood	Total
Amritsar	16 (23.2)	0 (0)	0 (0)	0 (0)	16 (13.9)
Ludhiana	9 (13)	7 (28)	0 (0)	0 (0)	16 (13.9)
Punjab	25 (36.2)	7 (28)	0 (0)	0 (0)	32 (27.8)
Ambala	6 (8.7)	4 (16)	2 (12.5)	3 (60)	15 (13)
Gurugram	12 (17.4)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	18 (26.1)	4 (16)	2 (12.5)	3 (60)	27 (23.4)
Ernakulam	6 (8.7)	4 (16)	4 (25)	1 (20)	15 (13)
Trivandrum	6 (8.7)	4 (16)	4 (25)	1 (20)	15 (13)
Kerala	12 (17.4)	8 (32)	8 (50)	2 (100)	30 (26)
Chennai	8 (11.6)	3 (12)	3 (18.8)	0 (0)	14 (12.2)
Thiruvallur	6 (8.7)	3 (12)	3 (18.8)	0 (0)	12 (10.4)
Tamil Nadu	14 (20.3)	6 (24)	6 (37.6)	0 (0)	26 (22.6)
Total	69 (100)	25 (100)	16 (100)	5 (100)	115(100)

Figures in Parentheses are column wise percentages

3.8 Reasons for Filing the Petition

The reasons for filing the petition were mainly neglect and abuse. 65 petitioners (56.5 per cent) mentioned that, they were forced to file this petition due to neglect by the children. 41 of them were forced to take the step as they could not bear the physical abuse and mental torture.

Table - 24 : Petitioners by Reason for Filing the Petition

State/Dist.	Neglect by the Children	Harassment by the Children	Poor Health and Need for Care	Conflict among Children	Total
Amritsar	16 (24.6)	0 (0)	0 (0)	0 (0)	16 (13.9)
Ludhiana	9 (13.8)	7 (17.1)	0 (0)	0 (0)	16 (13.9)
Punjab	25 (38.4)	7 (17.1)	0 (0)	0 (0)	32 (27.8)
Ambala	7 (10.8)	7 (17.1)	1 (20)	0 (0)	15 (13)
Gurugram	12 (18.5)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	19 (29.3)	7 (17.1)	1 (20)	0 (0)	27 (23.4)
Ernakulam	6 (9.2)	9 (22)	0 (0)	0 (0)	15 (13)
Trivandrum	6 (9.2)	9 (22)	0 (0)	0 (0)	15 (13)
Kerala	12 (18.4)	18 (44)	0 (0)	0 (0)	30 (26)
Chennai	6 (9.2)	4 (9.8)	3 (60)	1 (25)	14 (12.2)
Thiruvallur	3 (4.6)	5 (12.2)	1 (20)	3 (75)	12 (10.4)
Tamil Nadu	9 (13.8)	9 (22)	4 (80)	4 (100)	26 (22.6)
Total	65 (100)	41 (100)	5 (100)	4 (100)	115(100)

Figures in Parentheses are column wise percentages

Out of those who cited neglect by the children as the reason for filing the case, highest number of cases was from Punjab followed by Haryana and Kerala; whereas, among those who cited harassment, highest number of cases was from Kerala followed by Tamil Nadu. 10 respondents had a past history of filing a petition prior to this petition. 6 were police cases for physical abuse and 4 of them filed for property related dispute in District Collector's office.

Majority of the petitioners filed case against the son/s followed by daughter/s. 81 petitioners(70.4 per cent),filed case against the son/s and 24 petitioners (20.9 per cent) against the daughter/s. In very few cases the opponents were other relatives like sons in law, grandchild and a close relative. All these cases were from Punjab and Haryana and Tamil Nadu. Among those who filed against the son, the highest number was from Punjab followed closely by Kerala. Among those who filed against the daughter, the highest number of cases was in Tamil Nadu followed by Haryana and Kerala.

Table - 25 : Relationship Between Petitioner and Opponent

State/Dist.	Son	Daughter	Son in law	Grandchild	Close Relative	Total
Amritsar	15 (18.5)	1 (4.2)	0 (0)	0 (0)	0 (0)	16 (13.9)
Ludhiana	10 (12.3)	3 (12.5)	0 (0)	2 (50)	1 (33.3)	16 (13.9)
Punjab	25 (30.8)	4 (16.7)	0 (0)	2 (50)	1 (33.3)	32 (27.8)
Ambala	5 (6.2)	5 (20.8)	3 (100)	2 (50)	0 (0)	15 (13)
Gurugram	11 (13.6)	1 (4.2)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	16 (19.8)	6 (25)	3 (100)	2 (50)	0 (0)	27 (23.4)
Ernakulam	12 (14.8)	3 (12.5)	0 (0)	0 (0)	0 (0)	15 (13)
Trivandrum	12 (14.8)	3 (12.5)	0 (0)	0 (0)	0 (0)	15 (13)
Kerala	24 (29.6)	6 (25)	0 (0)	0 (0)	0 (0)	30 (26)
Chennai	9 (11.1)	4 (16.7)	0 (0)	0 (0)	1 (33.3)	14 (12.2)
Thiruvallur	7 (8.6)	4 (16.7)	0 (0)	0 (0)	1 (33.3)	12 (10.4)
Tamil Nadu	16 (19.7)	8 (33.4)	0 (0)	0 (0)	2 (66.6)	26 (22.6)
Total	81 (100)	24 (100)	3 (100)	4 (100)	3 (100)	115(100)

Figures in Parentheses are column wise percentages

90 petitioners (78.3 per cent)mentioned that they got some help from beginning to the end of the case, 25 (21.7per cent) mentioned getting intermittent help during the process. The help came from one of the sons in majority cases and from the daughter/s and son/s in law in some other. In few cases, especially in Chennai and Ludhiana, it is noticed that few NGOs helped the petitioners.

Majority of the petitions were filed in Sub Divisional Magistrate's (SDM) office 59 (51.3 per cent), followed by RDO 41(35.7 per cent) and 15 (13.1 per cent) in Sub Collector's office. Except one petitioner, none of them knew that the maximum disposal period of the petition was 90 days from the date of filing the petition. Only one third of the petitioners knew the steps involved in filing the petition, and rest depended on someone to help them. Only 5 of them faced problems while filing the petition. They were unaware of the documents to be attached and or the specified timing of filing the petitions in some offices, so they had to make few avoidable visits.

38 petitioners(33.1 per cent) mentioned facing problems while the petition was under process. 16 petitioners (42.1 per cent) had problem in knowing the exact date of the hearing so, had to make few visits to the concerned office to know the exact dates. There was written communication from the Tribunal regarding the date of hearing. 16 (42.1 per cent) complained that, sometimes they had to report by 11 am on the day of the hearing and wait till 3 pm for the hearing session. The wait became even more inconvenient as there were no facilities like toilet, waiting rooms and cafeteria. 6 petitioners(15.8 per cent)reported difficulty in commuting to the Tribunal for the hearing.

Majority of the petitioners used public transport to commute for the hearings and any visits they made to the Tribunal office. 51 petitioners (44.3 per cent) used local city buses and complained about the difficulties in traveling in a bus especially those who had age related frailties. 37 petitioners (32.1 per cent) could not afford a single auto rickshaw so used crowded shared auto rickshaws. 23 petitioners(20 per cent) somehow managed a single auto rickshaw to reach tribunal office. Very few used taxi or two wheelers. The common mode of transport to commute to tribunal office by the petitioners is public transport such as bus or shared auto-rickshaw.

The most common mode of transport among male petitioners was city bus and for females it was jeep or shared auto rickshaw. Buses were commonly used by the petitioners in the age group of 70-79 years. The petitioners in the age group of 80 plus also were using bus or jeep/shared auto. This shows the hardship they were facing to reach the tribunal office.

For each return trip to the Tribunal office it costed them at least Rs 50 to Rs100 for the transportation alone. Since many of them could not go alone, they also incurred the cost for the attendant. Added to that was the other minor expenses for tea/snacks or lunch etc. So, making more visits meant, more expenditure for the petitioners. Reportedly, on an average they visited the Tribunal office 4-5 times for hearings as well as for enquiry.

3.9 Behaviour of Family Members and Tribunal Officers

This section mainly deals with the behaviour pattern of family members and tribunal officers while the petition was live. The behaviour pattern of rest of the family members post filing the petition was also asked. The behaviour and attitude of the family member/s and the dealing officers could be an important enabling or inhibiting factor in the quest of older persons for dignity and independence. 'Others' include behaviour like not giving food on time, not buying new clothes for them for festivals, not introducing them to the guests, in other words not treating them as members of the family.

The petitioners mentioned that majority of the family members, whether immediate or distant did not like the act of filing the petition. According to them, it spoils the reputation of the family as well as their children. 41 petitioners (35.7 per cent) mentioned that none of the family members approve for filing the petition. 36 petitioners (31.3 per cent) mentioned that the other family members started avoiding them after they filed the petition. 28 petitioners (24.3 per cent) mentioned

that the family members became indifferent after the petition was filed.

Table - 26 : Petitioners by Behaviour of the Immediate Family Members after Filing Petition

State/Dist.	Dislike	Avoiding	Indifferent	Feeling isolated	Increase in Abuse	Others	Total
Amritsar	4 (9.8)	6 (16.7)	6 (21.4)	0 (0)	0 (0)	0 (0)	16 (13.9)
Ludhiana	6 (14.6)	6 (16.7)	2 (7.1)	0 (0)	0 (0)	2 (33.3)	16 (13.9)
Punjab	10 (24.4)	12 (33.4)	8 (28.5)	0 (0)	0 (0)	2 (33.3)	32 (27.8)
Ambala	6 (14.6)	5 (13.9)	2 (7.1)	0 (0)	0 (0)	2 (33.3)	15 (13)
Gurugram	4 (9.8)	3 (8.3)	5 (17.9)	0 (0)	0 (0)	0 (0)	12 (10.4)
Haryana	10 (24.6)	8 (22.2)	7 (25)	0 (0)	0 (0)	2 (33.3)	27 (23.4)
Ernakulam	7 (17.1)	4 (11.1)	4 (14.3)	0 (0)	0 (0)	0 (0)	15 (13)
Trivandrum	7 (17.1)	4 (11.1)	4 (14.3)	0 (0)	0 (0)	0 (0)	15 (13)
Kerala	14 (34.2)	8 (22.2)	8 (28.6)	0 (0)	0 (0)	0 (0)	30 (26)
Chennai	5 (12.2)	5 (13.9)	3 (10.7)	1 (50)	0 (0)	0 (0)	14 (12.2)
Thiruvallur	2 (4.9)	3 (8.3)	2 (7.1)	1 (50)	2 (100)	2 (33.3)	12 (10.4)
Tamil Nadu	7 (17.1)	8 (22.2)	5 (17.8)	2 (100)	2 (100)	2 (33.3)	26 (22.6)
Total	41 (100)	36 (100)	28 (100)	2 (100)	2 (100)	6 (100)	115(100)

Figures in Parentheses are column wise percentages

As far as the behaviour of family members was concerned, 22 male petitioners mentioned that none of the family members liked the idea of filing a petition. This attitude was experienced by comparatively lesser number of women (19). Males also faced more of avoidance compared to females. More females had to experience a totally indifferent behaviour from their family members compared to male petitioners.

If we look at the state wise disaggregation, we find that out of those who reported family members disliking the act, maximum numbers were from Kerala and least numbers from the neighbouring Tamil Nadu. However, the only incidents of feeling isolated after filing the petition and increase in incidence of abuse were reported from Tamil Nadu. Out of those who reported indifferent behaviour after filing the petition highest numbers were reported from Kerala and Punjab followed by Haryana and Tamil Nadu.

The behaviour of the officers at the tribunal office is very important in view of the fact that these are vulnerable and traumatised older persons.

Overall the behaviour pattern of the tribunal officers and other staff members such as reader, confidential assistant etc. towards the petitioners was satisfactory. 87 (75.65 per cent) petitioners out of the total of 115 interviewed were of the view that the behaviour of the dealing officials was considerate, respectful and tolerable. Conversely only 24 (20.86 per cent) reported rude and bad behaviour and only 4 (3.47 per cent) wanted training to be given to the dealing officials in soft skills.

It is also important to look at interstate variations. Kerala topped the list as far as considerate and respectful behaviour was concerned. As far as considerate behaviour was concerned Kerala was closely followed by Punjab and Haryana and a distant Tamil Nadu. In as far as respectful behaviour towards the elderly was

concerned the difference in Kerala and other three states was significant and Punjab fared worse comparatively. In the bad and rude behaviour category, Tamil Nadu and Punjab were on the top of the list followed by Haryana and a distant Kerala. Those wanting the officials to be given training in soft skills were from Punjab and Haryana. While observing the behaviour of the officials in Punjab and Haryana the researcher also noticed that these officials did not give any respect but instead tried to drive them away or tell them to wait outside.

Table - 27 : Petitioners by Behaviour of the Staff at Tribunal Office

State/Dist.	Considerate	Respectful to the Elders	Rude and Bad	Tolerable	Need training on soft skills	Total
Amritsar	1 (2.9)	2 (5.3)	6 (25)	5 (33.3)	2 (50)	16 (13.9)
Ludhiana	8 (23.5)	7 (18.4)	1 (4.2)	0 (0)	0 (0)	16 (13.9)
Punjab	9 (26.4)	9 (13.7)	7 (29.2)	5 (33.3)	2 (50)	32 (27.8)
Ambala	8 (23.5)	6 (15.8)	1 (4.2)	0 (0)	0 (0)	15 (13)
Gurugram	0 (0)	1 (2.6)	5 (20.8)	4 (26.7)	2 (50)	12 (10.4)
Haryana	8 (23.5)	7 (18.4)	6 (25)	4 (26.7)	2 (50)	27 (23.4)
Ernakulam	6 (17.6)	8 (21.1)	1 (4.2)	0 (0)	0 (0)	15 (13)
Trivandrum	6 (17.6)	8 (21.1)	1 (4.2)	0 (0)	0 (0)	15 (13)
Kerala	12 (35.2)	16 (42.2)	2 (8.4)	0 (0)	0 (0)	30 (26)
Chennai	3 (8.8)	3 (7.9)	5 (20.8)	3 (20)	0 (0)	14 (12.2)
Thiruvallur	2 (5.9)	3 (7.9)	4 (16.7)	3 (20)	0 (0)	12 (10.4)
Tamil Nadu	5 (14.7)	6 (15.8)	9 (37.5)	6 (40)	0 (0)	26 (22.6)
Total	34 (100)	38 (100)	24 (100)	15 (100)	4 (100)	115(100)

Figures in Parentheses are column wise percentages

The role of district social welfare/social justice officer in the Act is very important and he/she is the reconciliation officer for the petition under this Act. Unfortunately, it emerged in the study that, their role was minimal in implementation of the Act. None of the petitioners received any support from any one of the district social welfare/social justice officers is a matter of serious concern since they have an important role to play in this Act.

In this study, it was found that only 12 petitioners (10.4 per cent) received some kind of support from the NGOs working in their locality. These NGOs extended help to 11 petitioners for filing the petition and 1 helped them to prepare for the hearing.

As mentioned earlier, the petitioners, especially those who were less educated needed help. Help in most cases came from family members; one of the sons for 48 petitioners (41.7 per cent) and one of the daughters for 28 petitioners (24.3 per cent). 25 petitioners (21.7 per cent), could file the petition and could continue the process because of the help of one of the well-wishers/family friends. For 11 of them (9.6 per cent) help came from one of the relatives. It was interesting to note that the family members who were helping them to file petitions were not living with them e.g. the son living separately would help the father against the brother living with him. Consequently the brother would not help the father and in fact react badly. In few cases distant family members, neighbours and peers were helping them to file the petition.

Majority of the petitioners who received the final decision were happy with the final decision, except in a few cases. They mentioned the difficulties in getting the final decision implemented satisfactorily. The maintenance allowance was not received in time or received only for few months and then stopped, eviction notice had come, but, the opponents did not vacate etc. In other words, the follow up of the decision was very poor. It was very difficult for the petitioners to go back again and complain about the implementation of the decision. In some cases the older persons showed the courage and determination and registered a complaint on non-compliance of the order. However, disappointingly, no corrective action was taken and all the efforts were wasted and their relationship with family and children were also on a point of no return.

It is important to note that despite all the drawbacks in the process, 56 petitions (48.69 per cent), 30 males (26 per cent) and 26 (23 per cent) females got monthly maintenance allowance. 14 (12 per cent) petitioners, 7 males and 7 females got their properties revoked. 15 petitioners (10 females and 5 males) were freed from the abusive family members due to filing the petitions. Due to filing the petitions, 10 petitioners became happier in their families as the family members realised that there was a legal provision to help the aged persons in the country. After winning the petition, 60 per cent were happy with the outcome. Comparatively, more females were happy than males.

3.10 Reasons for Withdrawal of Petitions

In the sample there were 10 (8.6 per cent) petitioners who withdrew their petition. All of them mentioned that it was voluntary withdrawal and no one compelled them to withdraw. Most of them mentioned that initially after filing the petition, atmosphere at home became worse. So they discussed with well-wishers, religious leaders and family friends and decided to withdraw. Once the petition was withdrawn, all of them noticed change for the better in their family members. 5 of them mentioned that the family members became friendlier, 3 stated that their family members became more considerate and 2 of them mentioned that the family started taking care of their needs.

3.11 Reasons for Pending Petitions

39 cases of pending petitions were included in the study. The petitioners were not aware of the real reason for delay. 21 petitioners (53.8 per cent) clearly mentioned that they were unaware of the cause of delay. 4 petitioners (10.3 per cent) surmised that expecting bribe could be the reason. 4 petitioners (10.3 per cent) were optimistic and thought that it could be due to high work load on the dealing officials at the tribunal office. 10 (25.6 per cent) felt that the opponent/s though their children, were using their power and influence to delay the decision.

None of them could do anything to speed up the process and all of them are not sure if the petitions were moving in right direction or not. 4 of them could meet the respective SDM/ RDO and requested to speed up the process and 2 of them even gave written representation asking explanation for the delay. All of them felt that it would at least take another 6 months to close.

3.12 Case Studies of the Petitioners

This section presents the case studies of the petitioners. It gives details of what prompted the older persons to approach the Tribunal, his/her experience at the Tribunal, with the family and the others after filing the petition. It also captures the opinion of the petitioners on how useful the final verdict of the Tribunal proved to be in his/her case; others who faced problems in getting the verdict implemented recounted their experience. It also gives details of some tragic cases where the older person was left in the lurch after filing the petition as s/he lost the support of the family and the Tribunal did not provide favourable solution.

Case No 1 (Pending)

Mr H. Singh, 76 years old, lives in Ludhiana. He studied up to class 9th and then started working. In a few years he learnt the art of making sweaters. Initially he had handlooms to make sweaters and supply to small vendors. Slowly he expanded his business, bought a few new machines and started supplying sweaters to companies.

He is married and living with his wife and 2 sons in a 88 sq mt double storied house. One son is married and the other is unmarried. He also had 2 daughters; both are well educated and settled after marriage. He has blood pressure, diabetic, and some undiagnosed stomach problem. He gets old age pension of Rs 500 per month.

Both his sons did not study beyond school and joined him in his small business. The business operations are conducted from the residential premises. In due course, the sons took over the business and did not pay him anything. Few years ago, his wife and the sons colluded and started harassing him to transfer the property in the name of the children. He was not willing so they started physically abusing him often hitting him in stomach and once broke his fingers.

After he could take it no more, he spoke to his friends and one advocate as well. On their advice, he decided to file the petition in the office of the SDM (E) on 7th September 2016 asking the sons to vacate the premises. He said if the sons vacated then one floor could be rented to give him sufficient money and peace of mind. Till the time of the research interview 6 hearing had taken place.

The opponents did not appear even once before the tribunal and so far nothing has happened. He had to suffer at the hands of his family and the tribunal level apathy. He felt that his sons have influenced the *corrupt officers*. He felt that he gained nothing and burnt bridges with his family. He said, “no time line are followed and no action taken against anyone including the erring officers who are delaying the case for no reason.”

Case No 2 (Settled)

Harbhajan Kaur is an 85 years old widow who lives in Amritsar, Punjab. She is just literate and throughout housewife. She has 2 sons and 1 daughter. She is living with her second son. One of her sons is 62 years old and is also a senior citizen. He was working in a coal mine as mechanic. The second son is 56 years old. He has 5 children and his monthly income is only Rs 10,000 per month.

She was enrolled for Rs. 250/- per month widow pension. But, for about five years, she did not get it and does not know the reason. Now it has restarted; but, she gets it intermittently. She has a bank account with Punjab National Bank which is 4 Km away from her residence. She has some skin problem, heart problem, blood pressure, diabetes and joint pain. She spends more than Rs. 200 on medicines every month.

She has a 100 sq ft plot and a 4 storied house. It is still in her name but her elder son has usurped the house after harassing and threatening her. He threw her out of the house and now she is living with her younger son. As his income is low and he has five children to support, he is financially unable to look after all her needs. She said, “when all the doors close then probably I will think about living in a charity old age homes.”

Since, she had no other income she filed a petition for maintenance allowance. She came to know about this Act through her neighbour and the younger son helped her to file the petition. She was called 4 times for the hearing and used shared auto to reach tribunal office. The Tribunal gave its final verdict in six months. Her petition was settled on 7 April 2013. Tribunal ordered that both sons should pay Rs 1000/- per month and she should get Rs 2000/- per month.

The younger son pays her regularly and the other one pays only when she complains, otherwise no payment is made. Though she fought, she did not get any substantial benefit. She still lives with her younger son and gets paid by him. The errant son, still occupies her property and does not pay as instructed.

Case No-3 (Pending)

Smt Shanti Rani is 84 years old widow who migrated from Pakistan to India at the time of partition and now lives in Ludhiana. She is literate and can sign and read in Punjabi. She had three sons. All of them were barbers. Two of her sons died and now only one is alive. The wife of one of the dead sons remarried and left her two small daughters with Shanti. Shanti worked as a house maid to look after the grandchildren. The third son is a drunkard and he started harassing his mother to transfer the house in his name. She did that just to escape the mental and physical agony and moved to a rented house with her granddaughters.

She gets Rs 500/- per month as old age pension and mostly receives it regularly. She suffers from heart problems, blood pressure, acidity and joint pain. She needs money for treatment. She is spending approximately, Rs 600 every month for medicines.

When the son abused her repeatedly, her two granddaughters went to police station to lodge a complaint. The police told them about this Act and asked them to go to the SDM's office. From SDM's office the granddaughters gathered all the information and managed to file the petition.

Since they had no place to go, she finally filed a petition to revoke the property. The petition was filed six months ago and opponent son never appeared for hearing. So no decision has been given. She feels that her son is bribing the officials and delaying the proceedings.

Case No- 4 (Settled)

Smt Sarla Devi is a widow for last 40 years living alone in Amritsar, in a one room house without basic amenities. She is 85 years and is illiterate. She has 6 children 3 males and 3 females. The eldest son is 65 years old and is a property dealer in the city. But, considering her poverty, her third son who is 57 years old and is daily wage labour meets her all expenses.

She had 45 sq ft plot and a house of which she is the joint owner with one her sons. Her youngest daughter's son used to live with her and help her. A few years ago the grandson in connivance with a local goon tried to persuade her to give the property to him. He also tried to assault and threatens her. She had to pay money to the goon to get rid of him.

The only income she has is the widow pension of Rs 250/- per month which is also irregular. She did not get it for the past few months and is finding it difficult to make her ends meet. She has Arthritis problem and high blood pressure. The expenditure on medical treatment is never less than Rs 200/- per month.

She filed a petition in 2014 for maintenance allowance and the final decision was taken within 2 months. The decision fixed monthly allowance of Rs 1500/- .Her grandson paid 7-8 months and then stopped. In fact, she had to pay a couple of lakhs to get rid of this troublesome grandson. She said, "I wasted of time and money for filing the petition. My condition is still pathetic and nothing seems to have changed. At this age, I can't run to Tribunal office every now and then for redress."

Case No -5 (Pending)

Dr B is an 80 year old retired professor from a University and lives in Punjab. He retired in the year 1998 and is getting a retirement pension of Rs 38,000/- per month. He has two children, a son and a daughter. Both of them are practising dental surgeons and earn well.

He has owns a plot of land on which he built a two storeyed house. He lived there with his wife and son. But, his son did not want to live with him so started harassing him. Finally Dr B was thrown out of his house by his son and wife. So he started living alone. He also bought a large piece of fertile land in his town in his wife's name. "I worked hard all my life to give good education to my children and good life to my wife and see what I got in return," he said with evident dejection in his voice.

He came to know about this Act through newspaper and judgements of the Hon'ble High Court. He filed the petition on 3rd May 2016 and till the date of the research interview not a single hearing had taken place. He wants to reclaim his property from his wife and the son and live in it peacefully and then bequeath it to his daughter.

"As it is a property related petition the officers asked Rs 4 lakh as bribe to proceed in the matter, he said. "As I refused to pay, the petition has not come up for even one hearing", he added. "They fix the hearing for a particular date and then when I reach there they inform that due to hectic schedule of the SDM it has been postponed", he added with despondency. He was of the opinion that the Act is good; but, the

implementation is unfortunately poor. “The whole purpose of the law is defeated if implementation is faulty,” he said.

Case No 6 (Settled/ Pending)

Gujjar Singh is a 68 years old shop keeper. He used to run hardware and paint shop in Punjab. He only studied up to class 3. The shop is in the name of his wife. He has 3 sons and 1 daughter. He has a plot of 285 sq ft and house. Out of this, he gave 171 sq ft to his 3 sons and kept 114 sq ft with him. Now his sons want his entire property. They started harassing him and also threatened to kill if he did not oblige.

He filed a petition under the Act for maintenance allowance in May 2015. Within a month's time the final decision was taken and the Tribunal ordered the sons to collectively pay Rs 5,000/- per month. Since this money was not paid regularly, he filed another petition in the SDM office again, to revoke the property. He argued that the revocation would help him earn a rent on the property. After this, his sons allege that he wants to marry another woman and transfer all the properties in her name. He also filed complaints in the office of Superintendent of Police (SP) for his harassment. The case is under consideration. Though he is living in the same premises as his family, no one talks to him and only provide food. He looks to be mentally disturbed and falls sick very frequently. “My wife and sons want me to die soon so that they can take over and enjoy my property,” he said.

Case No 7 (Settled)

Sujan Singh is a 90 year old man living with his wife in a small house in Amritsar. He is illiterate and make his living by selling fruit juice on a cart. He has 2 sons and 5 daughters. He gets old age pension of Rs 250/- per month, which is not paid regularly. He got an account in Punjab National Bank.

He has 100 sq ft plot and a house and another plot as well. He gave one plot to the son. The son sold it off and spent all the money. Sujan Singh had one widowed daughter with 4 children. He had to shoulder their responsibility as well. But his reckless son consumes alcohol and beat him up now and then. Once he beat his mother as well and broke her teeth. Then he started opening threatening to kill him on the road in front of everyone. The other son also joined him in harassing the old couple.

Sujan Singh then went and complained to the District Collector about his condition and physical abuse. He was sent to the SDM who helped him to file the petition. He had to make 9-10 visits to SDM's office for filing the petition as well as follow up. His petition was for maintenance allowance. The Tribunal ordered both the sons to pay Rs 1000/- to the father and Rs 1000/- to the mother every month. But, the sons appealed to the Tribunal and showed them the pictures of Sujan Singh's Juice cart and convinced the SDM that he did not need the allowance. The SDM apparently told them not to pay any more. So after all the efforts, Sujan Singh received only 2 instalments of the allowance. “All the efforts put in were wasted at this age of 90 years. Now I am back in selling juice to earn for my daily needs, but at least they are not harassing me anymore” he said.

Case No 8 (Pending)

Simi George, aged 61 years, is a widow of a fisherman who died of stomach cancer in December 2015. She lives in Ernakulum district of Kerala alone in a decent house. She has 2 daughters and 1 son. Her son is a skilled mason and does the tile work at new houses etc. His daily wage rates are quite high as per the mother.

She is suffering from high blood pressure, diabetes and cholesterol. She needs Rs 1000/- per month for her medical treatment. She has a plot of 3.5 cent of land and good house which is still in her name. The son and daughter in law harassed her and the daughter in -law sometimes beat her. When she could tolerate it no more, she filed a petition to vacate the house. One of her daughter was very helpful in filing the petition. She filed the petition and waited for 6 months. The son did not appear even in a single hearing and final decision was delayed. However, he decided to vacate her house of his own and moved to a rented house. "Now I can withdraw the petition as he and his wife has moved out of my house and I can live in peace", she said.

Case No-9 (Settled)

Saraswati is an 88 year old lady living in a private old age home called Sai Sankara Shanti Kendra, in Kalady, Ernakulam district. The old age home is run by Mr. Srinivasan who took the initiative to file the petition. She studied up to class 3 and was never employed. She is not getting any old age pension as she doesn't have any address proof. She has one son who is now 62 years old. Mr Srinivasan traced her son and asked him to pay money for her stay in the Home. He refused to do so. Then a petition was filed with RDO Moovattupuzha and the final decision came within 3 months. The Tribunal ordered the son to pay her Rs 4000/- per month. The decision came on 9th February 2016. Even after 10 months of the decision, not even a single instalment was paid to her. Further a complaint was submitted to Superintendent of Police and so far no action was taken to make her payment.

Case No 10 (Pending)

Gloria aged 65 years is a widow who lives in Ernakulam district of Kerala. She is literate and living alone in a shed. Her husband died 20 years ago. She has a daughter who is married and has 3 daughters. She gets old age pension of Rs 1000/- per month. Her son in law abused her repeatedly and she did not like to live with them. The panchayat member and neighbour Isha Begam helped her to file the petition for maintenance allowance from her daughter. The petition is still pending. In order to meet her expenses the main portion of the house given for rent and she is compelled to live in the shed. She gets a rent of Rs 2250 per month. Recently she had a paralytic attack and is unable to speak and move around. Now she is totally bed ridden. Even in this condition, the daughter or son in law never come to ask or offer to help. Her petition is still pending and not sure before her death the decision will come or not. The law has not helped her to get the care that she requires at this critical juncture in life and has not been able to make her erring children mend their ways.

Case No 11 (Withdrawn)

Joseph is 64 years old, studied up to class 6 married and living with her sick wife in a

rented house in Ernakulum district of Kerala. He was a farmer mainly cultivating rubber and other cash crops. He is getting Rs 600/- per month as old age pension. He gets the pension amount once in 3-4 months. He has a son and a daughter. Daughter is a housewife and son is a bus driver.

He is suffering from a stomach ailment and his wife had an open heart surgery recently and needs periodic check-ups. For medicines and treatment, both of them need Rs 6000 per month.

His son consumed alcohol every evening and started abusing and beating both of them. The daughter in -law also joined him in beating them. When this became a routine, Joseph met the Panchayat member and filed a petition to vacate the house and for protection as well. An advocate in the area helped him to file the petition and he charged Rs 3000/- for filing the petition.

Once everyone came to know that he had filed the petition, the son felt ashamed and called Panchayat members and priest of the church as mediators to settle the case. On the first hearing itself, he agreed to vacate and promised not to beat the parents. As soon as he vacated the house, the case was withdrawn.

Joseph sold off the land and purchased a small plot and is constructing a small house. He kept the remaining money in the bank account and managing his life with that money. Now his son and daughter in law live separately and never bother to even meet them. He was happy with the Act and provision of revoking property. "Now I have decided that after my death, the property will go to my daughter not the son," he said.

Case No 12 (Settled)

CK is an 82 year old widower, illiterate agricultural labour living in Ernakulum district. His wife died 6 years ago. He has 2 sons one is 52 years and the other is 44 years. Elder son is engaged in rubber tapping and the younger one is a jeep driver. Currently he is living with his elder son and his family. He gets old age pension of Rs 1000/- per month though payment is not regular. He has an account in Canara Bank.

CK has 1.5 acre of land which he divided into 2 portions. The younger son was not happy with his share. Therefore, every evening he consumed alcohol and beat him. On one occasion, he beat CK with an iron rod and broke his shoulder bone.

Then he decided to take action to stop the abuse and torture. With the help of his elder son he filed the petition for maintenance allowance. The final decision of the Tribunal was given after 5 months. The Tribunal order the elder son to keep CK in his house and take care of him and the younger son to pay him a monthly allowance of Rs.2000/-. The Tribunal gave its verdict in September 2016, and till date not even a single instalment was paid. They further complained of the non-compliance and but no action was taken. "Filing the petition did not help except the beating and abuse stopped completely," he said.

Case No 13 (Settled)

Sivakumaran is 70 year old daily wage labourer who studied up to 10th class. He

lives in Thiruvananthapuram city. His wife died in March 2015. He used to do small government contract jobs and could not get a permanent job in his life. He gets old age pension of Rs 1000/- per month and has a bank account in nationalised bank. He has 2 sons one is working as a peon in a school and other one is a daily wage labour.

Both the sons were living with him along with their families. His problems started when his sons got married. Both the daughters in-law always fought bitterly with each other and none bothered to even give him food. He has a plot of 5 cent and a house. As his children were neglecting even his basic necessities, most of the time he was found starving. So, the Residents' Welfare Association helped him file the petition against his children. He filed a petition for eviction of both sons from the house and a maintenance allowance. After 4 months and 5 hearings, the Tribunal gave its final verdict. The sons were ordered to vacate the house and pay a total monthly maintenance allowance of Rs 2000/- . Though they vacated the premises, but nobody paid the maintenance allowance to the father. Sivakumarn filed a complaint but no action was taken against the erring sons. "Now I am living alone and working as a shop assistant to make my ends meet. I have to do all the housework as well in this old age," he said. "I have two sons but forced to live alone in this old age," he added.

Case No 14 (settled)

Satwanti Kapoor is a 70 year old widow living in a private old age home in Amritsar. Her husband died of cancer many years ago. She was living in a posh locality in Delhi with her only son. But, after his marriage, problems started for Satwanti. Her daughter in-law continuously fought with her and abused her verbally. Unable to tolerate this abuse and humiliation, one morning she left home and went to an Ashram in Haridwar. To her dismay, her children never bothered to find her whereabouts.

While living in Haridwar, she contacted one of her brother in-law. His sons had also taken away his property and labelled him as mentally unstable and threw him out of the home. He advised her to file a petition under this Act. Accordingly both planned and filed a petition in the Tribunal in Amritsar. Her son came for the first hearing from Delhi and agreed to pay her Rs 10,000/- per month. The decision was taken and now she is getting the money regularly by bank transfer. It is enough to cover her expenses and she is living comfortably in the private old age home. She spends time with other residents and in religious activities. "Living alone in an old age home is a new and unexpected chapter of my life," she said. "I have a son, daughter in-law and grandchildren, but banished to live alone with strangers," she added with tears in her eyes.

CHAPTER IV

Challenges in Implementation of the Law

This chapter focusses on the discussions with key stakeholders mainly the government officials implementing the Act at state and district level as well as few NGOs working on old age issues. The chapter is divided into three sections: state level and district level bureaucracy involved in making rules and implementing the provisions of the Act; the last section includes details of infrastructure available at the tribunal level. At state level, the key officials involved in policy, decision making and implementation of the Act at present or past were included. The district level stakeholders were the senior and middle level officers directly involved in implementation of the Act such as Reader, Superintendent, Clerical Assistant and Confidential Assistant etc.

A stakeholder interview guideline was used to organise the thoughts and a tribunal fact sheet was filled for each of the tribunals visited. This sheet covered the details of the infrastructure available in the tribunals to deal with the cases and its special requirements. Some of the districts have 7/8 tribunals at sub divisional level. In that case 1-2 tribunals were selected for the research. It included those having maximum number of petitions like the ones located in main cities or district headquarters.

4.1 Opinion of State Level Functionaries

The state level officers extended all the cooperation to conduct the study. In Punjab there was a budget allocation of Rs. 20 lakh per year for TV/ newspaper advertisement and often time it was unutilised. Finance department delayed it and never got it passed. There was a provision to train the staff in Regional Resource Training Centre but seldom did that happens. Somehow it was realised that motivating the district level officers was difficult. Unless there was commitment at all levels the situation would not improve. In Haryana they made an action plan for 2016-17 to effectively implement this Act. The action plan mainly covered the life and property of the senior citizens. In order to encourage the involvement of non-officiating members, they approved an honorarium of Rs 500 per sitting. Haryana also had provision for a multi member tribunal committee unlike Punjab.

In Kerala, other components of the Act regarding health, old age homes and security were completely ignored. It is suggested that, for petitioners above 80 years there should be fact track mechanisms to speed up their petitions. It is suggested that as part of value education respecting aged should be included in the curriculum. In schools like parent teacher meeting, there should also be grandparents meeting. In school and college admissions some grace marks should be given for those living with parents and grandparents. In 10th class certificate along with names of parents, names of grandparents should be mentioned. It is suggested that, there should be proper coordination among officers of social justice/welfare, police and revenue department. In Tamil Nadu, senior citizens get covered under various successful welfare schemes so no need for any special scheme for them.

4.2 Opinion of District Level Functionaries

This sub section describes the main findings on the subject from the district level officers who were part of the study during primary data collection process. Their opinion on various aspects of the Act and suggestions to improve the implementation of the Act are highlighted. If many officials made the same point, repetition is avoided

4.2.1 Amritsar

In Amritsar district, 5 government officials of the rank of SDM, district social security officer, reader and clerk in the SDM office participated in the study and gave their opinion. There are 2 SDMs in Amritsar. SDM- I deals with urban area. The SDM- I felt that the maximum number of petitions were filed in Amritsar compared to any other districts in Punjab. The advertisement about the Act was being published in local newspaper in local language to increase awareness.

The main hurdle in implementation of the Act was motivating the staff. The office was under staffed and dedicated staff and a computer to handle the petition was very much needed to fulfil the obligations given in the law. Since the same person was managing all the work he was not able to focus on this particular Act and the petitions filed under this Act. It was also opined that, since children had no provision to appeal further, some parent/s (mis) use the Act to harass children as well.

Though time required for settling a petition 90 days was sufficient provided the district administration had a dedicated team to handle the petitions under this Act. After the final verdict of the Tribunal, some written complaints about non-compliance were received by the SDM's office, but the role of the SDM is only to refer it to the police department for investigation and solution. The district administration supported the idea of formally keeping the lawyers away, though they get involved informally. On the other hand some NGOs or community based organisations should help the aged to file the petitions and handhold them during hearings without any financial motivation. Better coordination among the concerned district offices would help in effective implementation of this Act.

SDM-II also voiced similar concerns about lack of training and shortage of staff and paucity of funds for outreach. According to him, due to these reasons it took on an average for such cases to be settled between 3 to 6 months. He further suggested that the power to issue eviction orders in such cases may be delegated to the SDM as the Deputy Commissioner (DC) who is currently the sole authority may not be able to do so within the stipulated time due to many other tenacious responsibilities.

The District Social Security Officer suggested complete digitisation and e- filing of the petitions for effective implementation, like passport *seva kendra*. The general public, especially old persons had very poor knowledge of this Act. So often they were misguided or taken for granted. So, there should be more public awareness programmes, so that a wide range of people could benefit. There should be one ***Suvidha Center*** for each cluster of 4-5 villages in every district. In many cases, the SDM's were unable to pay adequate attention to these cases causing delay. Therefore, it was suggested that, some provision or alternate mechanism should be

developed so that the petitioners get justice in time.

The Reader and his assistant opined that, earlier there were very few petitions and but the number of petitions has increased over time and everyone wants the decision in no time. There should be commensurate increase in (hu) manpower. At least one dedicated person and one computer is must for handling these number of petitions. Moreover, in order to make the older persons feel better, there should be a small budget to provide tea/snacks to them when they come for hearing. An urgent need was felt for a toll free number at district level so that people could get more information about the Act and status of their petition.

4.2.2 Ludhiana

In Ludhiana, there 8 tribunals, one each for 5 sub divisions, Ludhiana city has 2 SDMs one for Ludhiana West, Ludhiana East and DC tribunal. DC tribunal is only meant for further appeal if not satisfied with the SDMs decision. Here SDM-E, SDM-W and one Reader each from both of the office and 2 NGO representatives participated in the discussion. In one SDM office on an average 6 petitions were received per month. There should be a dedicated person, one computer and special counter to file the petition. The settlement time depended on the cooperation of the petitioner. It was highlighted that, irrespective of many reminders, sometimes either party never appear for hearing or settlement and cases get postponed. SDMs felt that they were getting more petitions on property revoking which was instigated by other sibling/relatives.

On an average in an year, 10 written complaints were received for non-compliance of maintenance allowance in one SDM's office besides many verbal complaints. In that case the SDM calls both the parties and request to comply else refer the case to police.

In Ludhiana, once the petition is received, immediately a file number is given and hearing dates are communicated by speed post or letter is send through the peon in *Tehsildar's* office. There is no tribunal committee in Punjab and the sole authority is SDM or DC. In Ludhiana, SDM assesses the expenses of the petitioner and paying capacity of the opponent and then an amount is decided with mutual consent. In this district there were cases of a *Baba* (a religious man) who approached many old persons and asked them to file the petition and cheated many senior citizens in the district.

These SDM were not aware of all other provisions in the Act, but, mentioned that there was a provision for old age homes in this Act.

Readers have more knowledge of the Act than SDMs in Ludhiana since they were managing this for quite some time. They mentioned that, SDMs and DC should take the Act little more seriously and they need a separate orientation and sensitization of the Act. DSSO mentioned that, she was not at all involved in counselling or decision making. SDM's office unilaterally handled the petitions and no roles were kept in the state for DSSOs. Few complicated cases occasionally were being referred to DSSO for counselling purpose which caused further delay.

Two NGO representatives participated in this study belongs to Federations of

Senior Citizen's Association, Punjab and Seniors Mantra; senior citizens council of Ludhiana. They felt that the newspaper advertisement on the Act should be more regular so that more people could make use of the Act. They suggested that, there should be strict monitoring of the number of petitions received in a month and monthly status of the petitions. DC and SDMs should sit and discuss the course of action for effective implementation of the Act. They also need special training and sensitization. They felt on average 6 months or more were taken to settle one petition due to work load of the staff, poor monitoring and lack of infrastructure like computer and internet.

They highlighted that, they came across many incidences of non-compliance of payment of maintenance allowance. It was suggested that, these petitions should be handled by *a separate agency headed by a retired district Judge* for effective implementation. DCs and SDMs were too busy in handling many more activities and this Act was given least priority among the list. It was also highlighted that, other provisions mentioned in the Act were completely un-touched so far. It is also emerged that, tribunal officers often time disrespected the aged petitioners, and there was no waiting area, drinking water or toilet facility in the premises of tribunal offices. There were many cases of non-compliance of the final verdict. Severe penal action must be in place for defaulters and should be implanted diligently. There should be bank transfer of maintenance allowance before 10th day of every month else should be automatically informed to the employers of the children so that they will take it seriously.

4.2.3 Ambala

In Ambala there are 3 SDMs: Cantonment, City and Narayangarh. Since more number of petitions was filed in the City, SDM city was visited for stakeholder in-depth interviews. In Haryana there was a 3 member Committee to take decisions on the petitions filed under this Act, which was applicable for every district. In Ambala, it was noticed that the 3 year term of this committee expired and no initiatives were taken to re constitute the committee and petitions remain unattended. There was no sitting fee for the committee members so they never showed any interest to come for the meeting. Only when there was pressure from the DC once in a year, they all met and took decisions on the petitions. The 90 days stipulation period fixed in the Act could never be adhered to because of staff shortage and lack of infrastructure. For SDM and DC this was not a priority issues so never took any interest. The staff was not trained on the Act and they had never undergone any training on this Act. In Ambala city, comparatively more number of petitions were on property revoking and it took lot of time. In Ambala, the properties transferred only after 2007 was considered and that too if purchased from own income, not the inherited property.

The issues such as poor staff strength, lack of infrastructure and poor awareness of petitioners on the Act, non-serious approach of SDMs and DC on this Act were also reported.

One of the former tribunal committee member opined that SDM and DCs were not suitable to handle this kind of sensitive issue. One of the retired city magistrates should head this tribunal and should come under Human Rights Commission rather

than revenue department. In Ambala city the tribunal office was located in the court premises and it encouraged interference by lawyers and advocates.

4.2.4 Gurugram (Gurgaon)

In Gurgaon district, DC, Reader, senior clerk, record room in charge and senior superintendent as well as one NGO representative mainly working on the health aspects of the senior citizens participated in the discussion. In Gurgaon there was a tribunal committee chaired by the DC and members included one advocate and one social worker as ex officio members and Deputy Superintendent of Police (Rural) member of the tribunal committee. Since the tribunal committee was attached to the DC office there were 5 staff members, including 2 computer operators. Irrespective of this much infrastructure, the record keeping of petitioners in the district was poor. It was so difficult to trace out the petitioners details from the record room which was a sea of files dumped and fully covered with dust. DC was very helpful however the other staff were not much motivated as far as implementation of this Act was concerned.

In Gurgaon, the property related petitions were more compared to maintenance ones. Mostly the petitions were not settled in 90 days the reason being non participation of petitioners and opponent for hearing. The stakeholders opined that, this work was different than their routine work and needed separate cell to handle petitions coming under this Act.

4.2.5 Ernakulam

In Ernakulam district the RDO of Moovattupuzha and Sub Collector of Fort Cochin took part in the study apart from other officers in the respective offices. The officers were very much forthcoming in sharing their experience as well as giving suggestions for further improvement. According to sub collector Fort Cochin, there were 15-20 members in the conciliation panel and there were 5-6 conciliation officers as well. It was noticed that, no one was willing to go for conciliation thinking that filing the petition will give them easy relief. Most of the petitioners had no past experience in formal filing of complaints etc. and kept running around this office. It was felt that the conciliation officers were not getting any honorarium, so, they never showed up and or take interest. There were cases of non-compliance of maintenance allowance. In such cases the erring party was strictly warned and few of them were threatened with jail. Many of them paid up after the warning, on time, but for how long they continued no one knows.

There should be separate team to handle the petitions filed under this Act, since the number of petitions was increasing day by day. There should be separate hall on the ground floor for the convenience of the aged while they come for filing the petition as well as for hearing.

It was suggested that, there should be *old age protection officers* in every district with more power and mobility so that immediate action could be taken especially for harassment or any serious health issues of the aged. It was also suggested that, the residents of old age home/sshould get some pocket money for their personal needs, though it could be token money. For those old persons who were unable to

cook, there should be provision with Anganwadi worker to provide food for the aged in the locality.

According to senior superintendent, on an average they received 20-25 petitions per day and upon receiving the petition the details were registered into the computer and a unique reference number was generated. For every petition a computer generated receipt was given so that, it was easy to track the status of petitions. The first hearing was normally fixed within a month of the receipt of the petition. Here also comparatively more cases were pertaining to property than maintenance. Often time the application and addresses were incomplete. It was suggested that, petitions should be dealt with by Tehsildar instead of RDO office which is normally located far away from the residence of the petitioners. *Involvement of local NGOs was considered as essential* to fast forward implementation of this Act. The non-compliance of the decision especially the maintenance allowance should be severely punished. Standing instruction should be given to the bank of the children so that every month on a particular day the money will be transferred to the bank account of parent/s.

Moovattupuzha RDO felt that the number of petitions was increasing and so was the need to have a separate team to handle the petitions. In this office the petitions were settled in 2-3 hearings, the delay was caused when one of the 'opponents' i.e. children was living abroad and they does not appear for the hearings. Staff were over worked and untrained to deal with this kind of matter. He felt that the property eviction cases were increasing mainly due to instigation by other siblings.

4.2.6 Thiruvananthapuram

In Thiruvananthapuram district, the Sub Collector mentioned that, petitioner did not want conciliation but punitive action. In 2015-16, 416 petitions were filed and there were 930 petitions still pending. Many of the petitioners had properties in other district which they never revealed to the Tribunal. Therefore, it should be mandatory for the petitioner to give an affidavit mentioning the property details in the state or anywhere in India. The upper ceiling of Rs 10,000 per month on maintenance should be revised and it should be based on the needs of the parents and paying capacity of the children. These needs should be assessed on the basis of a standard scientific formula and should be mentioned in the final verdict.

The staff need periodic training on this Act and should be aware of any amendments in the Act.

There should be some provision for financial help for the aged who were on death bed; kind of medical emergency fund.

4.2.7 Chennai

In Chennai district, two RDOs took part in the study i.e. RDO (South and Central) and RDO (East and North). RDOs opined that, the compensation of maintenance needs to be raised to at least Rs.20,000 per month. They mentioned that, 60 per cent of the petitions were property related and the petitioners did not have basic knowledge of the Act which creates lots of confusion among them. The petitions related to property should be handled by land grabbing cell and not by RDOs, this

change should be done in the State Rules. The petition coming from urban area was mostly property related and from rural areas mostly for maintenance allowance. The RDOs try to fix the first hearing within 15 days, but, often times both parties do not appear and the cases get extended. The Police department was not serious about aged persons and they should be sensitised. It is also highlighted that, the staff were over worked and they had no trainings on the Act so far.

One of the NGO representative working in the district opined that Legal Service Authority whose presence was everywhere; should be involved as most of them do not know how to file the petition and prepare for the hearings. It was also suggested that the tribunal should be headed by a retired judge. Filing petition against the children being a very sensitive issue affecting the family harmony there should be an *alternate justice system* for it.

District social welfare officer opined that even the senior citizen has 'ego' which some time created lots of problem. The RDOs were not trained on the Act and they need training by a third party. The details about the Act should be properly propagated and information should reach to each and every senior citizen in the state. Conciliation centres at cluster level should be opened so that they cater to a cluster of 4-5 villages. Anganwadi workers or ASHA workers should be involved. In cases where both parties were senior citizens it became difficult to decide. There should be a *Senior Citizen Commission at national level and state level* to augment the implementation of the Act. The social security helpline number 1058 should be widely used to get maximum benefits.

4.2.8 Thiruvallur

In this district RDO, PA to RDO, DSWO in charge, Senior superintendent and an assistant took part in the study. Very few cases were filed in this office because of lack of awareness of this Act. Here also it was mentioned that, mostly it was property cases and conflict of boundaries which does not come under this Act. The staff interest and commitment to implement this Act was poor. They were not aware of the provisions as well. None of them could make any interesting suggestions.

4.3 Infrastructure Availability in Tribunals

In the survey 9 tribunals are visited. In the tribunals where an IAS officer was heading then the availability of infrastructure was better compared to the other tribunals. In most of the cases there was one Reader and one assistant. They were managing all the revenue related as well as other activities. Often time it was noticed that, they are over worked and under staffed. In Ludhiana there were 8 tribunals and the petitioners did not know under whose jurisdiction they had to file their petition. The basic infrastructure like a computer was not available in many of the tribunal offices. They send the date of hearing by speed post or by peons of Taluk office. One of the major causes for delay was non-appearance of parties at the time of hearing. The petitions related to properties caused more delay. There was no mechanism to deal with this problem.

In all the 9 tribunals it was noticed that, none of the staff were formally trained on this Act. They all refer the state rule book and manage the show by informal

consultation with lawyers or other knowledgeable persons. There was an urgent need for proper documentation of petitions and its status. Most of the tribunals had bare minimum furniture and 5 of the tribunals did not even have a computer for storing the information of petitioners. The best documentation was noticed in Fort Cochin and Thiruvananthapuram and worst record keeping was in Gurgaon. The Chennai RDO office was newly set up and had communication facility such as wireless messaging.

CHAPTER V

Summary, Conclusions and Way Forward

Government of India enacted a model law Maintenance and Welfare of Parents and Senior Citizens Act 2007 to protect the elderly and ensure a life with dignity and independence. The express intent of the government in passing the legislation was to “provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected..”

This research study was designed to get an insight into the ground situation. It focussed on the experience of the older persons who approached the Tribunal to get benefits provided under the law. The study documented the experience of the older persons whose cases were settled, to understand what benefits it brought them, challenges, if any that they faced in dealing with the system. It also included those older persons whose cases were still pending, here the focus was on understanding the reasons for delay and also how they managed during the period. Last, but not the least, were those older persons, who withdrew the cases. The focus here was to find out the reason for withdrawal, if it was due to coercion, fear or compromise.

In the primary survey among all the petitioners, 57.4 per cent cases are settled, 33.9 per cent were pending and 8.7 per cent were withdrawn. Among all the petitioners, 52 per cent applied for maintenance allowance and 48 per cent were for property related disputes including the revoking of transfer of property. Maintenance related petitions were highest in Punjab and property related petitions were highest both in Kerala as well as Tamil Nadu.

An overwhelming majority (86%) of the petitioners resided in urban, semi urban and municipality areas. Only 14 per cent of the petitioners resided in rural areas. Here, it could be interpreted to mean that the reach of the law is limited at the moment and has not been able to benefit the rural elderly, though majority of the older persons live in rural areas

There were no significant gender differences among the petitioners. Among the petitioners, males were marginally more than the females except in Kerala. The age profile of the petitioners raises a serious concern as there were 69% petitioners in the age group of 70+ (46% in 70-79 years and 29% in 80+ age group). It could be due to the fact that with advancing age the older person become more vulnerable and the family members get emboldened to harass and neglect them. The practical implication of this would be better and more age friendly facilities and process to approach the Tribunals.

The currently married petitioners were marginally more than those who were currently without a spouse 48% compared to 42% (majority of them were widows). It is important to pay attention to those without the support (financial, emotional and physical) of spouse at an advanced age and fighting the children for a life with dignity. There should be some special concessions to these people in terms of

hearings, decision, amount of maintenance allowance, post decision monitoring and care.

Amongst petitioners, 57% were in the broad category of illiterate, literate and primary schooling, 7 per cent each studied up to graduate and post graduate level and 6 per cent of the petitioners had a professional degree. It is heartening to note that lack of education does not handicap an elderly from approaching the Tribunal for getting justice. But, lack of education does hamper a person's ability to deal with the system especially if s/he suffers from other handicaps like lack of income, social support etc. So, it would be better if the process takes into consideration and sets up some special facilitator.

Majority of the petitioners 48 of them (41.7) per cent were living with one of their children; son, daughter, or grandchildren followed by 34 petitioners living alone (29.5) per cent. Only one fourth of the petitioners lived with their spouse as nuclear family and 4 (3.5) per cent of them lived in private old age homes.

52 petitioners (45.3) per cent had up to 2 children and 39 (27.3) per cent had 3-6 children and 23 (20) per cent has more than 6 children. Most of the petitioners had enough number of children who were educated and well to do able to afford to care for an old parent. One fourth of the petitioners had at least one child who was also a senior citizen.

75% of the petitioners reported suffering from single or multiple chronic diseases. The most commonly reported diseases were diabetes, high blood pressure, arthritis etc. This means that the older person needs money for treatment and some care giver to attend to their needs. While deciding on cases, the Tribunal should keep in mind these specific needs of the older persons.

93% of the petitioners had faced abuse in one or the other form ranging from neglect to verbal abuse, mental torture to cases of beating and breaking bones. This should be an important factor in deciding the cases and also providing some kind of protection during the process and after the final decision. The local police should be integrated in the whole process.

The major source of information for this Act was friends as reported by 40 petitioners (34.8 per cent), followed by close relatives and newspaper 25 (21.8 per cent). For 17 petitioners (14.8 per cent) the source of information of this Act was some of the government officials and for 4 of them (3.5 per cent) it was word of mouth and only 2 of them got this message from some radio news/FM channel. The petitioners just knew about the Act, but had no information about the process of application or the entitlements and rights granted to them under the Act. None of the petitioners knew that, they could authorise any individual or organisation to file the petition on their behalf and attend the hearings etc. Similarly, none of the petitioners knew about the ceiling of Rs 10,000 per month for maintenance allowance.

76 of them (66.1 per cent) mentioned that, this was a good Act and covered most of the needs of the older person if implemented in its full spirit. How much they knew about the details of the Act still remains a big question mark. 16 of them (13.9 per cent) opined that, the Act was a good beginning and will keep improving over a period of time when more people file petitions and more officers involve in dealing

the Act. 11 of them felt that the Act needs to have a re look and stock taking of its pros and cons and should make necessary changes or amendments for better service to the older persons. 69 of the petitioners (60 per cent) felt that, the application process and official procedures were very simple and easy to follow. This shows that, they were involved in filing the petition directly or indirectly. However 25 of them (21.7 per cent) felt that, one needed some help to file the petition especially the less educated. 16 (13.9 per cent) opined they could manage and it easy compared to other legal proceedings and do not need any external help. Few mentioned that 5 (4.3 per cent) there should be provision to file the petition in the neighbourhood such as Taluk office or Village office since it become very difficult for the aged to commute for several hearings.

Many of the family members did not like the act of filing the petition whether it was immediate or distant family members, since they thought it would spoils the reputation of the family as well as their children. 41 of them (35.7 per cent) mentioned up front that none of the family members approved of filing the petition. 36 among them (31.3 per cent) mentioned that the other family members started avoiding them after they filed the petition and 28 (24.3 per cent) mentioned that the family members became indifferent after the petition was filed. None of the petitioners received any support from any one of the district social welfare/social justice officers was a matter of serious concern since they have an important role to play in this Act.

Many of the petitioners were not satisfied with the implementation of the final decision of the Tribunal. Many did not know the exact procedure to follow in case of non-compliance of the decision of the Tribunal by their children. The officers concerned thought that their duty ends with the release of final decision. They were not responsible for implementation of the decision. If they received a complaint on non-compliance of the final decision, they just forwarded to the local police department and did not follow it up to its logical conclusion. The coordination between the three concerned departments: revenue, social welfare, police was found wanting. This lack of coordination diluted the benefits that the appropriate decision of the Tribunal could bring to the older persons.

Though the behaviour of the tribunal staff towards the aged was satisfactory, there were cases wherein the officers were very rude and told them to wait indefinitely. The tribunal offices were either under staffed or did not have dedicated staff to deal with the implementation of the Act. Most did not have even the basic infrastructure like a computer and internet. None of the staff had undergone any training on this Act.

5.1 Way Forward

Based on the findings of the study following recommendations are made for better implementation of the Act and facilitation for the aggrieved older person:

- There should be a standard format to file the petition so that there is uniformity and all the relevant details are captured. It will also be easy for the tribunal officers to process and proceed with the petitions.

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- There should be a contact sheet attached with every petition with the full address, nearest landmark, mobile number of at least of 2 persons, landline number if possible and a number of a neighbour or close relative. The proof of age and address should be enclosed with the petition.
 - Digitisation of the records so that the petitioner gets a receipt and a unique case id number on his/her mobile. This will make it easy for the petitioners to follow up with the authorities. There should be a provision for online filing of the petition. There should be mechanisms to electronically transfer compensation money directly to the bank account of the older person.
 - Lawyers should be kept at bay. This provision in the Act should be strictly adhered to by the tribunal authorities. The location of the Tribunal should be away from the premises of district court to avoid any such informal interference.
 - In few cases petitions are filed with the cover note of the advocate which is against the law. Tribunal authorities should discourage this practice.
 - The office of the tribunal authority should be located on the ground floor with wheel chair access, waiting room, drinking water and toilet facility.
 - There should be multi member tribunal committee as in the case of Haryana.
 - There should be a designated social worker to help the older persons file the petitions and coordinate with them at each stage.
 - A retired sessions Judge should be involved at all levels to expedite the process and also make it conducive to mediation; especially in cases where sibling rivalry on property is the root cause of the petitions.
 - Government should conduct periodic review of the implementation of the Act.
 - The multiple state government departments involved in the process should have convergence mechanism. There should be designated officers in police and social welfare department to coordinate with the tribunal officers and facilitate the process.
 - There should be adequate staff, training and infrastructure to handle the petitions.
 - To avoid confusion, the jurisdiction of each RDO should be clearly known to all.
 - There should be an awareness campaign in local language and through local mediums about the provisions of the Act. The contact detail of the nodal officer/social worker should also be advertised.
 - The helplines for senior citizens should be used as the second line for spreading information and ground level facilitation. The local police and a designated NGO should be involved in this process.

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- Panchayats should be involved to spread awareness about the provisions of the Act in the rural areas.
 - The upper limit of the maintenance allowance of Rs 10,000/- per month should be revised. It should be calculated on a standard formula keeping in mind the paying capacity of the adult children. This formula should be universally applicable.
 - Special consideration should be given to petitioners who are above 80 years of age, disabled or women. Such petitions should be settled within 30 days from the date of filing.
 - There should be separate channels to file petitions for maintenance allowance and for annulment of property bequeath.
 - The petitioners involved in property disputes further approach High Court after the RDOs order, which is against the Act. Counselling should be done by the concerned officers prior to the filing of the petition to the older persons to discourage this practice.
 - There should be a provision for short stay homes for those older persons for the duration of the case. This facility should be available to all those who are victims of elder abuse.
 - Value education should be included in the school curriculum. Respect for Age should be inculcated. Children living with grandparents should be given bonus mark at the time of nursery admission. Grandparents' day should be celebrated in every school on a periodic basis.

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Annexure

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in December 2007

8. The enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in December 2007 was a landmark initiative of the Government of India. It is an enabling legislation that is available to vulnerable older persons. It has simplified the application procedure and the other legal processes to avoid delays. This has been done to minimize the strain on the older persons in getting benefits from this law. The Act, inter-alia, makes maintenance of parents/ senior citizens by children/ relatives obligatory and justiciable through Tribunals. It also provides for the establishment of old age homes for indigent senior citizens; adequate medical facilities; protection of life and property; revocation of transfer of property by senior citizens in case of negligence by relatives; and penal provisions for abandonment of senior citizens.
9. Some important definitions in the Act are:
- ‘**Children**’ includes son, daughter, grandson and grand-daughter but does not include a minor [Section 2(a)].
 - ‘**Minor**’ means a person who has not attained the age of majority under the provisions of the Majority Act, 1875 [Section 2(c)].
 - ‘**Parent**’ means father or mother whether biological, adoptive or step father or mother, as the case may be, whether or not the father or the mother is a senior citizen [Section 2 (d)].
 - ‘**Relative**’ means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death [Section 2(g)].
 - ‘**Senior Citizen**’ means any person being a citizen of India, who has attained the age of sixty years or above [Section 2(h)].
 - ‘**Maintenance**’ includes provision for food, clothing, residence and medical attendance and treatment [Section 2(b)].
 - ‘**Welfare**’ means provision for food, health care, recreation centres and other amenities necessary for senior citizens [Section 2(k)].
 - ‘**Property**’ means property of any kind, whether movable or immovable, ancestral or self acquired tangible or intangible and includes rights or interests in such property [Section 2 (f)].
10. Some of the important features of the Act are:

(i) Maintenance of Parents and Senior Citizens

The Act provides that:

- A senior citizen, including parent, who is **unable to maintain himself from his own earning or out of the property owned by him**, is entitled to make an application for maintenance allowance by his/her children/ relative [Section 4(1)].
- If a senior citizen or a parent is incapable, he can **authorize any other person or organization** for filing an application for maintenance on his behalf [Section 5(1) (b)].
- Application filed for monthly allowance shall be **disposed of** by the Tribunal **within 90 days** [Section 5(4)].
- Proceedings of maintenance application shall be taken in any district (a) where the **senior citizen or parent resides/ last resided** or where the **children or relative resides** [Section 6(1)].

- Maintenance allowance **up to Rs. 10,000/- per month** can be awarded [Section 9(2)].
- Maintenance allowance shall be **deposited by children/ relative within 30 days** from the date of announcing the order by the Tribunal [Section 13].
- Any senior citizen or a parent, aggrieved by an order of a Tribunal can prefer an **appeal** to the Appellate Tribunal **within 60 days** from the date of the order of the Tribunal [Section 16(1)].

(ii) Bar of legal practitioner before the Tribunals

- No party to a proceeding before a Maintenance and Appellate Tribunals shall be represented by a legal practitioner [Section 17].

(iii) Establishment of Old Age Homes

The Act envisages that State Governments shall:

- **Establish and maintain old age homes** at accessible places, in a phased manner, beginning with at least one in each district for a minimum of 150 indigent senior citizens [Section 19(1)].
- Prescribe a **scheme for management** of such old age homes **including standards and various types of services** to be provided by them [Section 19 (2)].

(iv) Medical Care

The Act envisages that State Governments shall provide:

- **Beds** for all senior citizens as far as possible **in Government hospitals or hospitals fully or partially funded by the Government** [Section 20(I)].
- **Separate queues** for senior citizens [Section 20(ii)].
- **Facilities for geriatric patients in every district hospital** headed by a medical officer having experience in geriatric care [Section 20(v)].

(v) Protection of Life and Property

The Act envisages that:

- State Governments shall prescribe a **comprehensive action plan** for providing protection of life and property of senior citizens [Section 22(2)].
- **Revocation of transfer of property** by senior citizens in case of negligence by relatives [Section 23(1)].
- Penal provision or punishment with **3 months imprisonment or fine up to Rs. 5000/- or with both** in case of abandonment of senior citizens [Section 24].

11. As per Section 1(3), the Act has to be brought into force by individual State Governments. It is **not applicable to the State of Jammu & Kashmir, while Himachal Pradesh has its own Act**. All the other States and all UTs have brought the Act in to force.
12. **Necessary steps/ measures to be taken for effective implementation of the Act** - States/ UTs which have brought the Act into force are required to take, inter-alia, the following measures/steps for effective implementation of the Act:
 - Frame Rules u/s 32(1);
 - Appoint Maintenance Officers u/s 18 (1);
 - Constitute Maintenance Tribunals u/s 7 (1); and
 - Constitute Appellate Tribunals u/s 15(1).
13. **Monitoring of the Implementation of the Act** - The Ministry of Social Justice and Empowerment has been making all efforts by persuading the States/ UTs from time to time to effectively implement the Act in letter and spirit so that the senior citizens are benefitted in

their respective States/ UTs. As a result of the vigorous follow up by the Ministry, States/UTs have taken necessary steps in this regard.

The Status of Implementation (steps taken) by States/ UTs is given as under:

(i) States/ UTs which have taken all the necessary steps

14 States			
Assam	Bihar	Chhattisgarh	Goa
Gujarat	Haryana	Karnataka	Kerala
Madhya Pradesh	Odisha	Rajasthan	Tamil Nadu
Tripura	West Bengal		
5 UTs			
A & N Islands	Chandigarh	Daman & Diu	Delhi
Pudducherry			

(ii) States/ UTs yet to take all the necessary steps

3 States			
Mizoram	Nagaland	Uttar Pradesh	
1 UT			
Lakshadweep			

(iii) States/ UTs which have framed Rules

18 States			
Andhra Pradesh	Assam	Bihar	Chhattisgarh
Goa	Gujarat	Haryana	Karnataka
Kerala	Madhya Pradesh	Maharashtra	Manipur
Odisha	Rajasthan	Tamil Nadu	Tripura
Uttarakhand	West Bengal		
5 UTs			
A & N Islands	Chandigarh	Daman & Diu	Delhi
Pudducherry			

(iv) States/ UTs which have appointed Maintenance Officers

19 States			
Assam	Bihar	Chhattisgarh	Goa
Gujarat	Haryana	Jharkhand	Karnataka
Kerala	Madhya Pradesh	Manipur	Meghalaya
Odisha	Punjab	Rajasthan	Sikkim
Tamil Nadu	Tripura	West Bengal	
6 UTs			
A & N Islands	Chandigarh	Daman & Diu	Dadra & Nagar Haveli
Delhi	Pudducherry		

(v) States/UTs which have constituted Maintenance Tribunals

19 States			
Andhra Pradesh	Assam	Bihar	Chhattisgarh
Goa	Gujarat	Haryana	Jharkhand
Karnataka	Kerala	Madhya Pradesh	Orissa
Punjab	Rajasthan	Sikkim	Tamil Nadu
Tripura	Uttarakhand	West Bengal	
5 UTs			
A & N Islands	Chandigarh	Daman & Diu	Delhi
Pudducherry			

(vi) States/UTs which have constituted Appellate Tribunals

19 States			
Andhra Pradesh	Arunachal Pradesh	Bihar	Chhattisgarh
Goa	Gujarat	Haryana	Jharkhand
Karnataka	Kerala	Madhya Pradesh	Meghalaya
Orissa	Punjab	Rajasthan	Sikkim
Tamil Nadu	Tripura	West Bengal	
6 UTs			
A & N Islands	Chandigarh	Daman & Diu	Dadra & Nagar Haveli
Delhi	Pudducherry		

As per the information gathered by the Ministry so far, the status of institution of claims and their disposal by the Tribunals, furnished by a few States/ UTs, are given as under:

State/ UT	Year	Number of claims in the Tribunals						
		Pending at the beginning of the year	Instituted during the year	Total	Disposed of during the year			
					Settled through Conciliation Officers	No of cases in which maintenance awarded by the Tribunal	No of claim rejected	Pending at the end of the year
Goa	2009-10	1	4	5	1 case withdrawn by applicant	-	2	2
Madhya Pradesh	2009-10	-	40	40	7	-	-	33
Gujarat	2009-10	-	54	54	14	5	15	20
Punjab	2009-10	49	-	49	13	18	-	18
	2010-11	18	54	72	12	14	16	30
	2011-12	30	89	119	65	5	11	38
Haryana	2010-11	-	15	15	2	-	-	13
	2011-12	13	20	33	20	-	-	13
Tamil Nadu	2009-10	-	212	212	68	23	1	120
Kerala	2009-10	555 cases disposed of and 597 cases pending						
	2011-10							
Chandigarh	2009-10	-	8	8	1 case withdrawn by applicant	3	3	1
	2011-12	1	4	5	1	2	2	-

Note: Government of West Bengal and NCT of Delhi have also furnished information. However, there has been mismatch in the information provided and they are referred back for further reconciliation.

General awareness about the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is reported not to be adequate in the States and among the civil society. Therefore, the Ministry has started bringing out a full page advertisement containing the salient provisions/ features of the Act in the national dailies from July 2012 onwards. This practice may be continued, but States are also expected to cause publicity about various provisions of the Act at their level.

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To care for those
who once cared
for us is one of
the highest
honours

-Tia Walker