

‘Safety Net for Elders who are being neglected by their children’

A case of AP in implementing the Maintenance and Welfare of Parents and Senior Citizens Act 2007

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In the traditional Indian system elderly were respected and was decision maker in family. During the last century this socio economic and value system has slowly eroded with Joint Families getting converted into Nuclear families because of this new phenomena many Elders suffer from poverty, loneliness, neglect, abuse and abandonment and find it difficult to mobilize 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 is even more acute.

All Indian citizens are entitled to fundamental rights guaranteed to them by the Indian Constitution and Senior citizens are no exception.

Most personal laws including the Hindu Adoptions and Maintenance Act, 1956 recognize duty of the children to maintain their aged parents and the right of the parents to maintenance. Section 125 of the Criminal Procedure Code, 1973 specifically provides for maintenance from children if parents are unable to maintain themselves but cases are rarely filed by parents due to love and affection, fear of stigma and time and money required for the legal proceedings.

A need has been felt for long for a simpler and faster means of addressing Elder issues. Government of India has brought “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007” to provide effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution.

The Act provide for:

- Maintenance of Parents/Senior Citizens by children/relative made obligatory and justifiable through Tribunals.
- Revocation of transfer of property by senior citizens in case of negligence by relatives.
- Penal provision for abandonment of senior citizens.
- Establishments of Old Age homes for Indigent Senior Citizens.
- Adequate medical Facilities and protection of life and property of Senior Citizens.

HelpAge India has been very closely advocating with different stake holders like Government, Senior Citizen Associations, and Community Based Organizations on Elders issues with special focus on implementation of this Act in respective States.

This paper gives an insight on the ongoing implementation process taking place in Andhra Pradesh, it also tries to capture different views of the Stake Holders and difficulties, bottle necks being encountered in effective implementation of the said Act.