

**The Maintenance and Welfare of Parents & Senior Citizens (MWPSA) Act, 2007**

**Comparative Statement**

Existing Sections & Provisions in the MWPSA Act, 2007		Amendments proposed in the MWPSA Act, 2007	
<b>PREAMBLE</b>			
An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution and for matters connected therewith or incidental thereto.  Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India		An Act to provide for <b>maintenance and welfare of parents and senior citizens for ensuring their basic needs; safety and security; establishment, management and regulation of institutions and services; and for the rights</b> guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.  Be it enacted by Parliament in the <b>Sixty-ninth</b> Year of the Republic of India as follows:-	
<b>CHAPTER-I: PRELIMINARY</b>			
<b>1.</b> (1)	This Act may be called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.	<b>1.</b> (1)	This Act may be called the Maintenance and Welfare of Parents and Senior Citizens <b>(Amendment) Act, 2018.</b>
(2)	It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India.	(2)	<b>No change</b>
(3)	It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.	(3)	It shall come into force on such date as the <b>Central</b> Government may, by Notification in the Official Gazette, appoint.
<b>2.</b>	In this Act, unless the context otherwise requires,—	<b>2.</b>	In this Act, unless the context otherwise requires,—
(a)	“children” includes son, daughter, grandson and grand-daughter but does not include a minor.	(a)	“children” includes son or daughter <b>whether biological, adoptive or step. son-in-law, daughter-in-law</b> grandson, grand-daughter and <b>also includes</b> a minor <b>through his/her legal Guardian as the case may be;</b>
(b)	“maintenance” includes provision for food, clothing, residence and medical attendance and treatment.	(b)	“maintenance” includes provision for food, clothing, <b>housing,</b> medical attendance, treatment, <b>safety and security.</b>
(c)	“minor” means a person who, under the provisions of the Majority Act, 1875, is deemed not to have attained the age of majority.	(c)	<b>No change</b>
-	-	(d)	<b>“Multi-Service Day Care Centre for Senior Citizens” means a registered Institution, established and maintained by the State Government, either by itself or through a voluntary /private/non-governmental organization or society/trust and providing day-care facilities such as healthcare, recreation, peer interaction and entertainment for senior citizens.</b>

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(d)	“parent” means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen.	(e)	<i>No change</i>
(e)	“prescribed” means prescribed by rules made by the State Government under this Act;	(f)	“prescribed” means prescribed by rules made by the <b>Central/State</b> Government under this Act.
(f)	“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;	(g)	<i>No change</i>
(g)	“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;	(h)	“relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his/ <b>her</b> property after his/ <b>her</b> death;
(h)	“senior citizen” means any person being a citizen of India, who has attained the age of sixty years or above;	(i)	“senior citizen” means any person being a citizen of India, who has attained the age of sixty years or above. <b>This age shall be uniformly applicable for availing the facilities and benefits for senior citizens including health, housing, travel, insurance etc. extended by the Central and State Government, Semi-Government and Private Organisations.</b>
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(i)	“State Government”, in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution	(k)	“State Government”, in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution.
(j)	“Tribunal” means the Maintenance Tribunal constituted under section 7.	(l)	<i>No change</i>
(k)	“welfare” means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.	(m)	“welfare” means provision for food, <b>housing, clothing, safety and security</b> , healthcare, recreation and other amenities necessary for the <b>wellbeing of parents</b> and senior citizens.
3.	The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.	3.	<i>No change</i>

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<b>CHAPTER-II: MAINTENANCE OF PARENTS AND SENIOR CITIZENS</b>			
4. (1)	A senior citizen including parent who is unable to maintenance himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of-	4. (1)	A senior citizen including <b>a</b> parent who is unable to maintain <b>himself/herself reasonably</b> shall be entitled to make an application under section 5 in case of—
(i)	parent or grand-parent, against one or more of his children not being a minor;	(i)	parents or grand-parent, against one or more of <b>his/her children referred to in sub-section (a) of section 2;</b>
(ii)	a childless senior citizen, against such of his relative referred to in clause (g) of section 2.	(ii)	a childless senior citizen, against such of <b>his/her relative referred to in sub-section (h) of section 2.</b>
(2)	The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.	(2)	<b><i>Sub-sections (2) and (3) of section 4 of the existing Act has been combined at section 4 (2) of the Bill.</i></b>  The obligation of the <b>child/children</b> or relative <b>(s)</b> , as the case may be, to maintain a senior citizen <b>(s)/parent(s)</b> , extends to the needs of such senior citizen <b>(s)/parent(s)</b> <b>so that he/she</b> may lead a <b>life of dignity.</b>
(3)	The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.		
(4)	Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:  Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.	(3)	Any person <b>whether a child in respect of parent</b> or relative of a <b>childless</b> senior citizen and having sufficient means shall maintain such <b>parent/senior citizen, as the case may be,</b> provided <b>he/she</b> is in possession of the property of such <b>parent/senior citizen</b> or <b>he/she</b> would inherit the property thereof:  Provided that where more than one <b>child/relative</b> are entitled to inherit the property of <b>parent/senior citizen, as the case may be,</b> the maintenance shall be payable by <b>them</b> in the proportion in which they would inherit his/ <b>her</b> property.

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5. (1)	<p>An application for maintenance under section 4, may be made-</p> <p>(a) by a senior citizen or a parent, as the case may be; or</p> <p>(b) if he is incapable, by any other person or organization authorized by him; or</p> <p>(c) the Tribunal may take cognizance <i>suo motu</i>.</p> <p>Explanation- For the purposes of this section "organization" means any voluntary association registered under the Societies Registration Act, 1860, or any other law for the time being in force.</p>	5. (1)  (2)	<p><b>No change</b></p> <p><b>The application for maintenance shall be submitted in person/registered post/online or any other means to the Maintenance Tribunal.</b></p> <p><i>Explanation</i> - For the purposes of this section "organisation" means any Voluntary Association/ Non-Governmental Organisation/ Trust/<b>Society/Company etc. registered under the law in force and working for the welfare of Senior Citizens.</b></p>
(2)	The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.		<b><i>The provision has been suitably incorporated in section 9(3) of the Bill, with necessary amendments.</i></b>
(3)	On receipt of an application for maintenance under sub-section (1), after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for determining the amount of maintenance.	(3)	<b>No change</b>
(4)	<p>An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person.</p> <p>Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.</p>	(4)	<p>An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the <b>date of receipt of application by the Tribunal:</b></p> <p>Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.</p>

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(5)	An application for maintenance under sub-section (1) may be filed against one or more persons: Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.	(5)	An application for maintenance under sub-section (1) may be filed against one or more persons:  Provided that such <b>child/children</b> or relative(s) may implead the other person liable to maintain <b>senior citizen(s)/parent(s)</b> in the application for maintenance.
(6)	Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.		<b><i>Incorporated in sub-section (4) of section 9 of the Bill.</i></b>
(7)	Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.	(6)	<b><i>No change</i></b>
(8)	If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:  Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.		<b><i>Incorporated in section 11(3) of the Bill, after modification</i></b>
6. (1)	The proceedings under section 5 may be taken against any children or relative in any district- (a) where he resides or last resided; or (b) where children or relative resides.	6. (1)	<b>The application under section 5 may be made by a Senior Citizen(s)/Parent(s) to the Tribunal—</b> <b>(i)</b> where the <b>Senior Citizen(s)/Parent(s)</b> reside or last resided; or <b>(ii)</b> where <b>child/children/relative(s)</b> reside.

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(2)	On receipt of the application under section 5, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.	(2)	On receipt of the application under section 5, the Tribunal shall issue a process for procuring the presence of <b>child</b> /children or relative against whom the application is filed.
(3)	For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973.	(3)	For securing the attendance of <b>child</b> /children or relative, the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973. <b>(2 of 1974)</b> .
(4)	All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:  Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case <i>ex parte</i> .	(4)	All evidence to such proceedings shall be taken in the presence of the <b>child</b> /children or relative against whom an order for payment of maintenance <b>allowance</b> is proposed to be made, and shall be recorded in the manner prescribed for summons cases:  Provided that if the Tribunal is satisfied that the <b>child</b> /children or relative against whom an order for payment of maintenance <b>allowance</b> is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case <i>ex parte</i> .
(5)	Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the official Gazette, specify in this behalf.	(5)	Where the <b>child</b> /children or relative(s) is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the Official Gazette, specify in this behalf.
(6)	The Tribunal before hearing an application under section 5 may, refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect. Explanation.' For the purposes of this sub-section "Conciliation Officer" means any person or representative of an organization referred to in Explanation to sub-section (1) of section 5 or the Maintenance Officers designated by the State Government under sub-section (1) of section 18 or any other person nominated by the Tribunal for this purpose.	(6)	The Tribunal, <b>on hearing both the parties, may appoint a Conciliation Officer with their consent. Such officer shall submit the Report within 15 days and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.</b>  Explanation: "Conciliation Officer" means any person <b>representing a Government or Non Governmental Organization</b> or the maintenance officer designated by the State Government or any other person nominated by the Tribunal for this purpose.

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7. (1)	(1) The State Government shall within a period of six months from the date of the commencement of this Act, by notification in Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.	7. (1)	<i>No change</i>
(2)	The Tribunal shall be presided over by an officer not below the rank of Sub-Divisional Officer of a State.	(2)	<i>No change</i>
(3)	Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.	(3)	<i>No change</i>
8. (1)	In holding any inquiry under section 5, the Tribunal may, subject to any rules that may be prescribed by the State Government in this behalf, follow such summary procedure as it deems fit.	8. (1)	<i>No change</i>
(2)	The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 ( 2 of 1974)	(2)	<i>No change</i>
(3)	Subject to any rule that may be made in this behalf, the Tribunal may, for the purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.	(3)	<i>No change</i>

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9. (1)	If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.	9. (1)	If <b>the child/children or the relative(s)</b> , as the case may be, neglect or refuse to maintain <b>parent(s) or senior citizen(s)</b> being unable to maintain himself/herself, the Tribunal may, on being satisfied of such neglect or refusal, order such <b>child/children or relative(s) the quantum of maintenance at such monthly rate</b> for the maintenance of <b>parent(s)/senior citizen(s)</b> , as it may deem fit.
(2)	The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.	(2)	<b>While determining the amount of Maintenance, the Tribunal may consider the reasonable standard of living of the senior citizen(s)/parent(s), source of income/earnings of both the parties; the requirement of the Senior Citizen(s)/Parent(s), as the case may be etc.</b>
=	=	(3)	The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance, order such child/children or relative(s) to make a monthly allowance for the interim maintenance of such parent(s)/senior citizen(s) and to pay the same to such parent(s) /senior citizen(s) as the Tribunal may from time to time direct.
=	=	(4)	Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.
=	=	(5)	<b>The copy of the Order of the Maintenance Tribunal shall be served to Senior Citizen(s)/parent(s) free of cost and put in the office of the Tribunal. Further, the same shall be available online in the website of the concerned Department and with the Maintenance Officer.</b>

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10. (1)	On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under section 9, for the maintenance ordered under that section to pay a monthly allowance for the maintenance, the Tribunal may make such alteration, as it thinks fit, in the allowance for the maintenance.	10. (1)	<i>No Change</i>
(2)	Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 9 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.	(2)	<i>No Change</i>
11. (1)	A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.	11. (1)	A copy or the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen(s) or to parent(s), as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.
(2)	A maintenance order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure, 1973 and shall be executed in the manner prescribed for the execution of such order by that Code.	(2)	<i>No change</i>

Existing Sections & Provisions in the MWPSC Act, 2007		Amendments proposed in the MWPSC Act, 2007	
=	=	(3)	<p>If <b>child/children</b> or relative(s) so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person(s) for the whole or any part of each month's allowance for the maintenance and expenses of proceeding as the case may be remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:</p> <p>Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount <b>by the parent(s) or senior citizen(s), as the case may be.</b></p> <p><b>Provided further that the Tribunal may refer the same to the District Magistrate for summarily trial if the order of the Maintenance Tribunal is not adhered to.</b></p>
=	=	(4)	<b>The Maintenance Officer shall ensure that the order of the Maintenance Tribunal is enforced.</b>
12.	Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure 1973, where a senior citizen or a parent is entitled for maintenance under the said Chapter and also entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.	12.	Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure, 1973 where a senior citizen(s) or a parent(s) is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.
13.	When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.	13.	When an order for maintenance <b>and/or expenses for proceedings</b> is made under this Chapter, the <b>child/children</b> or relative(s) who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.

Existing Sections & Provisions in the MWPSA Act, 2007		Amendments proposed in the MWPSA Act, 2007	
14.	<p>Where any Tribunal makes an order for maintenance made under this Act, such Tribunal may direct that in addition to the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent and not more than eighteen per cent.:</p> <p>Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent and such parent shall be entitled to file an application for maintenance before the Tribunal.</p>	14.	<p><i>No change</i></p> <p>Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent(s) or senior citizen(s) and such parent(s) or senior citizen(s) shall be entitled to file an application for maintenance before the Tribunal.</p>
15. (1)	The State Government may, by notification in the Official Gazette, constitute one Appellate Tribunal for each district to hear the appeal against the order of the Tribunal:	15. (1)	<i>No change</i>
(2)	The Appellate Tribunal shall be presided over by an officer not below the rank of District Magistrate.	(2)	<i>No change</i>
16. (1)	<p>Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:</p> <p>Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:</p> <p>Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>	16. (1)	<p><b>Any parent(s) or a senior citizen(s) or the child/children or relative(s)</b>, as the case may be, aggrieved by an order of a Tribunal may, within 60 days from the date of the order, prefer an appeal to the Appellate Tribunal :</p> <p>Provided that no <b>such appeal by the child/children or relative(s), who has been ordered</b> to pay any amount in terms of the maintenance order, shall be <b>entertained by the Appellate Tribunal unless the appellant has commenced paying the maintenance allowance and</b> continue to pay to such parent(s) or senior citizen(s), as the case may be, the amount so ordered, in the manner directed by the <b>Maintenance</b> Tribunal:</p> <p>Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of 60 days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>

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	<p>order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:</p> <p>Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>		<p>maintenance order, shall be <b>entertained by the Appellate Tribunal unless the appellant has commenced paying the maintenance allowance and</b> continue to pay to such parent(s) <b>or senior citizen(s), as the case may be</b>, the amount so ordered, in the manner directed by the <b>Maintenance</b> Tribunal:</p> <p>Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of 60 days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>
(2)	On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.	(2)	<i>No Change</i>
(3)	The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.	(3)	The Appellate Tribunal may call for the record of proceedings from the <b>Maintenance</b> Tribunal against whose order the appeal is preferred.
(4)	The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.	(4)	<i>No Change</i>
(5)	The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final: Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorized representative.	(5)	<i>No Change</i>
(6)	The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.	(6)	<i>No Change</i>
(7)	A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.	(7)	<i>No Change</i>

Existing Sections & Provisions in the MWPS Act, 2007		Amendments proposed in the MWPS Act, 2007	
17.	Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.	17.	<i>No Change</i>
18. (1)	The State Government shall designate the District Social Welfare Officer or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.	18. (1)	The State Government shall designate <b>one or more Officer(s)</b> in the rank of District Social Welfare Officer or equivalent from related Departments/ <b>Block level Officer/Tehsildar, as Maintenance Officer(s) for the proceedings related under this Act.</b>
(2)	The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.	(2)	The Maintenance Officer referred to in sub-section (1), <b>can</b> represent a parent(s) <b>or senior citizen(s)</b> if he/she so desires, during the proceedings of the Maintenance or Appellate Tribunal, as the case may be.
=	=	(3)	<b>The Maintenance Officer shall ensure that the Order of the Maintenance Tribunal is adhered to and on non-compliance of the same, the Maintenance Officer shall apprise the Maintenance Tribunal.</b>
=	=	(4)	<b>The Maintenance Officer shall be the point of contact for the senior citizen(s) or parent(s).</b>
<b>CHAPTER III: ESTABLISHMENT OF OLDAGE HOMES: ESTABLISHMENT AND MANAGEMENT OF SENIOR CITIZENS CARE HOMES (revised title)</b>			
19. (1)	The State Government may establish and maintain such number of oldage homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.	19. (1)	The State Government <b>shall set up</b> and maintain such number of <b>Senior Citizen Care Homes</b> at accessible places, beginning with at least one in each district <b>as per need, for senior citizens.</b>
(2)	The State Government may, prescribe a scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.  Explanation- For the purposes of this section ,”indigent” means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself.		<b><u>Modified suitably and incorporated in section 19(4)</u></b>  <b><u>Omitted</u></b>

Existing Sections & Provisions in the MWPC Act, 2007		Amendments proposed in the MWPC Act, 2007	
:	:	19 (2)	<b><u>Registration of Senior Citizens Care Homes:</u></b> Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a Government/Non-Governmental/Voluntary/Private Organisations or Society/Trust and providing residential/Multi-Service Day-Care facilities for senior citizens for their care and welfare, shall be registered as a service provider with the designated Registration Authority in the State under this Act.
:	:	19 (3)	If such registered institution fails to provide the necessary amenities as defined under section 19(4), the State Government may after following the due procedure, cancel or withhold registration as the case may be.
:	:	19 (4)	<b><u>Management and monitoring of Senior Citizens Care Homes:</u></b> The Central Government shall prescribe Minimum standards required for the establishment of Senior Citizens Care Homes and running and maintaining of Multi-Service Day Care Centres. The standard should provide for Infrastructure, medical facilities, physical aids, food, recreation, hygiene & sanitation, appropriate staff, safety and security etc.
:	:	19 (5)	The State Government/UT Administration shall designate a Government or Quasi-Government regulatory body to monitor the functioning of such registered Institutions through regular inspections to ensure that the minimum standards are adhered to.

#### CHAPTER IV: PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZENS

##### SECTION-20: Medical support for Senior Citizens

<b>20.</b>	The State Government shall ensure that-	<b>20 (a).</b>	The <b>Central and</b> the State Government shall ensure that
(i)	The Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible;	(i)	<b>All hospitals, whether funded fully or partially by the Government or Private Healthcare institutions shall provide beds for all senior citizens.</b>
(ii)	separate queues be arranged for senior citizens;	(ii)	Separate queues shall be earmarked for senior citizens <b>in all healthcare and other public dealing institutions.</b>

Existing Sections & Provisions in the MWPC Act, 2007		Amendments proposed in the MWPC Act, 2007	
(iii)	facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens;	(iii)	Facilities for treatment of chronic, terminal and degenerative diseases <b>shall</b> be expanded for senior citizens
(iv)	research activities for chronic elderly diseases and ageing is expanded;	(iv)	Research activities for chronic elderly diseases and ageing <b>shall be expanded for understanding and providing better medical interventions;</b>
(v)	There are earmarked facilities for geriatric patients in every district hospital dully headed by a medical officer with experience in geriatric care.	(v)	<b>The objectives and outcomes of National Programme for Health Care of Elderly (NPHCE) such as setting up of Geriatric OPD and wards for senior citizens at District level hospitals, strengthening of the Regional Medical Institutions, in-service training to medical and para-medical staff etc. are achieved at all levels.</b>
--	--	(vi)	Necessary measures shall be taken to provide barrier-free access for Senior Citizens in healthcare institutions and other public places.
=	=	20. (b) (i)	<b><u>Homecare services for senior citizens:</u></b> A senior citizen or the parent who suffers difficulty in performing activities of daily life due to any physical or mental impairment can avail the services of Homecare agencies.
		(ii)	The agencies providing such homecare services shall engage trained and certified attendants or caregivers for the senior citizens or parents as per his/her need.
=	=	(iii)	Such institutions or agencies providing training, certification and home care services shall be registered as a service provider with the designated Registration Authority in the State Government.
=	=	(iv)	The details of such registered institutions as mentioned in section 19(2) and 20(b)(3) shall also be available in the concerned State Department's website.
=	=	(v)	Further, such registered agencies shall also be accredited by Accreditation Agencies such as Quality Council of India (QCI) based on their range of healthcare services, quality in delivery of services etc.
<b>CHAPTER V: PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN</b>			
21.	The State Government shall, take all measures to ensure that-	21.	The <b>Central and</b> the State Government shall, take all measures to ensure that—
(i)	The provisions of this Act are given wide publicity through public media including the television, radio and the print, at regular intervals;	(i)	the provisions of this Act are given wide publicity through public media including the television, radio, <b>internet</b> and print, at regular intervals;

Existing Sections & Provisions in the MWPS Act, 2007		Amendments proposed in the MWPS Act, 2007	
(ii)	The Central Government and State Government Officers, including the police officers and the members of the judicial service, are given periodic sensitization and awareness training on the issues relating to this Act;	(ii)	the Central Government and State Government Officers, including the <b>newly recruited civil service officers</b> , police officers and members of the judicial services are given periodic sensitization and awareness training on the issues relating to this Act;
(iii)	Effective co-ordination between the services provided by the concerned Ministries or Departments dealing with law, home affairs, health and welfare, to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.	(iii)	effective co-ordination between the services provided by the concerned Ministries or Departments dealing with Law, Home Affairs, Health and Family Welfare, <b>Panchayati Raj, Rural Development, Non-Governmental Organisations and other stakeholders</b> to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.
-	-	(iv)	for awareness at the grassroot level, Panchayati Raj Institutions, Self-help Groups, local Councils, para-legal volunteers of District Legal Service Authority etc. shall be engaged by the State Government.
22. (1)	The State Government may, confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.	22. (1)	The State Government may, confer such powers and impose such duties on a District Magistrate, as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to <b>him/her</b> , who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.
(2)	The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.	(2)	The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens <b>which shall include community policing in conjunction with Residents Welfare Associations, verification of antecedents of domestic servants and others, provisioning for distress alarm at malls, theatres etc. to provide secured environment to senior citizens.</b>
-	=	(3)	<b>The Centre and the State Government shall take suitable measures to create more age-friendly environment, transportation, Information and communications including appropriate systems and other public facilities.</b>

Existing Sections & Provisions in the MWPC Act, 2007		Amendments proposed in the MWPC Act, 2007	
:	:	(4)	<b>The State Government shall set up and run Helpline for safety and security of senior citizens. Such Helpline shall be linked to the Healthcare facilities, Police Department and other related agencies and shall have one common number across the nation.</b>
23. (1)	Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.	23. (1)	Where any <b>parent(s) or senior citizen(s)</b> who has transferred by way of gift or otherwise, <b>his/her</b> property, subject to the condition, that the transferee shall provide basic amenities and physical needs <b>such as food, clothing, residence, medical attendance, treatment, recreation etc.</b> to the transferor <b>to lead a life of dignity and that the transferee shall not further transfer or sell the said property without the consent of senior citizen(s)/parent(s)</b> , and if such transferee refuses or fails to provide such amenities, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.
(2)	Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.	(2)	Where any <b>parent(s) or senior citizen(s)</b> has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.
(3)	If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organization referred to in Explanation to sub-section (1) of section 5.	(3)	If, any <b>parent(s) or senior citizen(s) is deprived of the rights</b> under sub-section (1) & (2), action may also be taken on <b>his/her</b> behalf by any of the organisation referred to in <i>Explanation</i> to sub-section (1) of section 5.

Existing Sections & Provisions in the MWPSA Act, 2007		Amendments proposed in the MWPSA Act, 2007	
<b>CHAPTER VI: OFFENCES AND PROCEDURE FOR TRIAL</b>			
24.	Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.	24.	<b>Whoever, having the care or protection of parent(s) or senior citizen(s) intentionally abuses or abandons, such parent(s) or senior citizen(s) shall be punishable with imprisonment of not less than three months which may be extended to six months or fine up to Rupees Ten Thousand or both.</b>  <b>Explanation: "Abuse" in context of this Act means an intentional or negligence in such a manner which causes physical or mental suffering, assault or injury to a parent(s) or senior citizen(s) by his/her child/children or relative(s), who are obliged to take care of them, leading to a decreased quality of life.</b>
25. (1)	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and bailable.	25. (1)	<i>No Change</i>
(2)	An offence under this Act shall be tried summarily by a Magistrate.	(2)	<i>No Change</i>
<b>CHAPTER-VII MISCELLANEOUS</b>			
26.	Every officer or staff appointed to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.	26.	<i>No Change</i>
27.	No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and 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.	27.	<i>No Change</i>
28.	No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made there under.	28.	<i>No Change</i>

Existing Sections & Provisions in the MWPSA Act, 2007		Amendments proposed in the MWPSA Act, 2007	
29.	If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.	29.	If any difficulty arises in giving effect to the provisions of this Act, the <b>Central Government</b> may, by order, not inconsistent with the provisions of this Act, remove the difficulty.
30.	The Central Government may give directions to State Governments as to the carrying into execution of the provisions of this Act.	30.	<b>No Change</b>
31.	The Central Government may make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.	31.	(1) The Central Government <b>shall</b> make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.  <b>(2) The Central Government shall, by notification in the Official Gazette, prescribe Minimum Standards for the establishment of Senior Citizens Care Homes and running and maintaining of Multi-Service Day Care Centres as under sub-section (4) of Section 19.</b>  <b>(3) The Central Government shall make Model Rules for carrying out purpose of this Act.</b>
32.	The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	32.	The State Government <b>shall</b> , by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
(1)		(1)	
(2)	Without prejudice to the generality of the foregoing power, such rules may provide for-	(2)	<b>In particular</b> and without prejudice to the generality of the foregoing power, such rules may provide for <b>all or any of the following matters, namely:</b>
a.	The manner of holding inquiry under section 5 subject such rules as may be prescribed under sub-section (1) of section 8;	(a)	<b>No change</b>
b.	The power and procedure of the Tribunal for other purposes under sub-section (2) of section 8;	(b)	<b>No change</b>
c.	The maximum maintenance allowance which may be ordered by the Tribunal under sub-section (2) of section 9;		<b>Omitted</b>

Existing Sections & Provisions in the MWPC Act, 2007		Amendments proposed in the MWPC Act, 2007	
d.	The scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes under sub-section (2) of section 19;	(c)	<b>the management and monitoring of Senior Citizens Care Homes/Multi-Service Day Care Centres including the minimum standards prescribed by the Central Government and other services to be provided for care and welfare of senior citizens as under sub-section (4) of Section 19.</b>
e.	The powers and duties of the authorities for implementing the provisions of this Act, under sub-section (1) of section 22;	(d)	<i>No change</i>
f.	A comprehensive action plan for providing protection of life and property of senior citizens under sub-section (2) of section 22;	(e)	<i>No change</i>
:	-	(f)	<b>the manner in which all Senior Citizens Care Homes/Multi-Service Day Care Centres under this Act shall be registered under sub-section(2) of section 19.</b>
		(g)	<b>the powers and duties of the designated Government/Quasi-Government Regulatory Body as stated under sub-section (5) of section 19.</b>
		(h)	<b>the manner in which the institutions providing training and Homecare services to the senior citizens or parents are regulated under section 20 (b) and rating thereof.</b>
g.	Any other matter which is required to be, or may be prescribed.	(i)	<i>No change</i>
(3)	Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House, before that House.	(3)	Every rule made <b>by the State Government</b> under this Act shall be laid, as soon as may be after it is made, before <b>the State Legislation.</b>

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