



MyNATION HOPE FOUNDATION

Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

Date: 27th July 2018

We, the members of MyNation Hope Foundation with a presence over the internet for over 13 years and having more than 10,000 Families registered with us including Women, old aged mothers of men and their sisters, would like to use the opportunity to file petition in front of the appropriate committee/Ministry regarding above said Amendment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

With Reference to the Notification of Ministry Social Justice as below: <http://socialjustice.nic.in/writereaddata/UploadFile/MWPSC%20Act,%2020181636580082691025377.pdf>

We humbly submit;

Amendment of section 2

3. In section 2 of the principal Act, definitions in the following sub-sections shall be substituted, namely:-

(a) "children" includes son or daughter whether biological, adoptive or step, son-in-law, daughter-in-law, grandson, grand-daughter and also includes a minor through his/her legal Guardian as the case may be;

TO BE CHANGED AS:

(a) "children" includes son or daughter whether biological, adoptive or step, daughter-in-law, grandson, grand-daughter and also includes a minor through his/her legal Guardian as the case may be;

JUSTIFICATION: Other than biological children, only Daughter-in-law name should be added because she inherit property rights of Father-in-law/Mother-in-law though her Husband, and she is in domestic relation with her parents-in-laws and Son-In-Law should NOT be made legally bound to maintain father-in-law or mother-in-law since he is not entitled to any share in their movable or immovable assets, and neither is he in any domestic relationship with his in laws.

Children of Secret marriage, Born without wedlock should be excluded unless they inherit property rights, and to be included if such parents look after and raised them to make worthy citizens.

Amendment in section 11

13. In section 11 of the principal Act, (i) words 'parent' and 'senior citizen', wherever occur, shall be substituted by the words 'parent(s)' and 'senior citizen(s)';

TO BE CHANGED AS:

13. In section 11 of the principal Act, (i) words 'parent' and 'senior citizen', wherever occur, shall be substituted by the words 'Biological parent(s)' and 'senior citizen(s)';

NOTE: These biological parents should exclude, Parents who Divorced/Deserted and never look after children or paid any child support

Principal Act (as in 2007)

17. Right to legal representation: notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner

CURRENT SITUATION AND FEEDBACK:

Even though Legal Representation is not allowed, so far before the Appellate Tribunal viz; District Court, High Court or Supreme Court, legal representations are involved who

- (a) Get Stay Order from Appellate Court
- (b) Request for Review of judgment
- (c) Request for Quash under various acts/laws such as Writ Petition / Writ Appeal etc.
- (d) Intentionally delay the proceedings

NOTE: This needs to be sorted out under priority. Suggest for special tribunal for review of order / quash etc without unnecessary delay.

Principal Act (as in 2007)

5. Application for maintenance:

(1) An application for maintenance under section 4, may be made—

- (a) By a senior citizen or a parent, as the case may be; or*
- (b) If he is incapable, by any other person or organization authorised by him; or*
- (c) The Tribunal may take cognizance suomotu*

Explanation:

(4) 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 BE CHANGED AS:

5. Application for maintenance:

(1) An application for maintenance under section 4, may be made—

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(b) If he is incapable, by any other person or organization authorised by him;
or

(c) The Tribunal may take cognizance suomotu

(d) The Tribunal including Appellate Tribunal to be heard senior citizen cases in priority and dispose of the case within 90 days from the date of application

(d) Up on non-appearance of the party the Tribunal may dispose off the case

Explanation:

(4) An application filed before Tribunal under any section the proceeding shall be disposed of within 90 days from the date of the service of notice of the application. Same thing applies to even Appellate Tribunal.

Along with above said amendments modification we would like to bring some more points to the notice of law makers, who has no practical knowledge how system work and what are the hurdles citizen face.

We strongly oppose Senior Citizens Care Homes, as it GOI is following western culture ignoring Indian values, that old parents should take care at their home instead sending them to old age home. There should be governing and proper mechanism to check every Senior Citizen take care well at their own home instead Senior Citizens Care Homes.

No Child should forced to take care of Senior Citizens who are not direct biological parents or never stayed in a domestic relation, nor helped directly or indirectly financially and child inherit any property from them.

There are instances that in the twilight age, Senior citizens/Parents in laws are tortured by Daughter in law. It is this time when Parents' physical capability decline and they become too dependent on their family. In order to minimize the misery Government should make provisions where Senior citizens can also claim their maintenance (survival) from daughter in laws who later on enjoy their share in parents in laws' property.

Nowadays where men and women are equally capable, the biased laws are like weapon in the hands of wrong doers who destroy families, hence it is a humble request not to create one more biased laws like 498A, CrPC 125, DV ACT etc have given immense powers to Daughter-In-Law to extort money legally from Parents in laws and husband. The amount of mental cruelty caused by false cases is unfathomable. Hence there shall be grounds made to protect parents and spouse from misuse of such laws. Protection from mental and physical harassment should be provided.

We here by request you to review our petition and help us to stop any future misuse and legal harassment of innocents.

Sincerely



MyNation Hope Foundation (Regd)
H.No-1-A, Goela Lane, Under Hill Road,
Civil Lines, New Delhi-110054.

Website: <https://mynation.net>

Contact:

Delhi: 98100 34145.

Bangalore: 99009 54101.

Hyderabad: 9686942588.

Nellore: 94402 63643.

Gujarat: 70166 82510.

Kuwait: +965-66836873.

USA: +1 (317) 455-8515.