



3. Mr.D.Muruganandam, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner is a senior citizen aged 70 years and a retired Government Servant; that his wife is a retired Teacher; that the son is a B.E., graduate, who was married to 3rd respondent in June, 2012; that they are blessed with a male child; and that they were residing in the house belonging to the petitioner as members of the joint family;

4.1. It is the case of the petitioner that with his hard earned money, he constructed a house, which consists of three floors; and that the petitioner and his wife were driven out of the said house by the 3rd respondent.

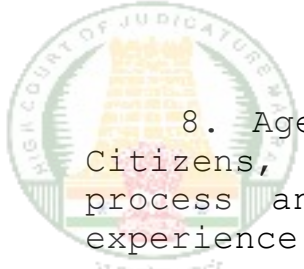
4.2. It is alleged that when the petitioner questioned the conduct of the 3rd respondent in treating her husband and abusing him, the 3rd respondent started intimidating the petitioner and also threatened that she will do away with their life; and that she also demanded that the property should be settled in her name.

4.3. The husband of the 3rd respondent went to Chennai and thereafter, he has filed a petition for divorce and it is pending before Family Court, Madurai. The 3rd respondent is threatening that she will commit suicide and that she will implicate all the family members. This activity has caused psychological problem for the petitioner. So alleging the petitioner has preferred a petition to the District Collector on 09.06.2016. As it did not get the attention of the 2nd respondent, the petitioner has come forward with this petition for direction.

5. Having regard to the scope of prayer made, urgency involved and the opportunity of hearing to R3 can be granted by the 2nd respondent at the time of considering the representation dated 09.06.2016, notice to 3rd respondent is dispensed with.

6. Now the point to be considered is, what is the remedy open to the petitioner herein?

7. The petitioner as well as his wife appeared before this Court in person and explained the problems faced by them. The copy of the sale deed dated 29.03.1996 has been filed to show that the property is a separate property of the petitioner herein. This Court is not inclined to further elaborate the complaint made by the petitioner, as the 3rd respondent is yet to be heard. However, this Court feels the responsibility of pointing out the duties and responsibilities of District Collector as provided under Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act 2007. It is directed that the District Collector shall also consider the problems faced by Senior Citizens, so that the District Collector may consider the petition in a proper perspective.



8. Ageing itself presents relentless problems to the Senior Citizens, engineered by changes in their body, mind, thinking process and living pattern. Even though they are gifted with experience and knowledge, thus remain as reservoir of human resource, they face humiliation, ill-treatment and neglect only on account of ageing.

9. The problems faced by the aged people are,

a) economic problems, on account of loss of income, on account of retirement from employment, functional disability / physical disability leading to loss of income;

b) psychological problems, which include health and medical problems, nutritional deficiency and problems of adequate housing.

10. Empathetic with Senior Citizens, the U.N. General Assembly on December 16, 1991 adopted 18 principles which are organized into 5 clusters, namely, independence, participation, care, self-fulfillment and dignity of the older persons in order to ensure safety and dignity of Senior Citizens. These principles provide a broad framework for action on ageing. Some of the Principles are as follows :

(i) Older Persons should have the opportunity to work and determine when to leave the work force.

(ii) Older Persons should remain integrated in society and participate actively in the formulation of policies which effect their well-being.

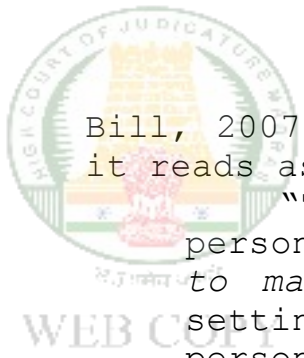
(iii) Older Persons should have access to health care to help them maintain the optimum level of physical, mental and emotional well-being.

(iv) Older Persons should be able to pursue opportunities for the full development of their potential and have access to educational, cultural, spiritual and recreational resources of society.

(v) Older Persons should be able to live in dignity and security and should be free from exploitation and mental and physical abuse.

11. The elderly people also have constitutional protection apart from protection from personal law. Under Article 41 of the Constitution of India, it is the duty of the State to make effective provision to provide public assistance in cases of old age, sickness and disablement, unemployment and in other cases of undeserved one. It is also the duty of the State under Article 46 of the Constitution of India to protect the economical interest of weaker sections of the people and also protect them from all forms of exploitation.

12. Union Social Justice and Empowerment Minister, while tabling the Maintenance and Welfare of Parents and Senior Citizens



Bill, 2007 in the Lok Sabha, explained the object of the Bill and it reads as under:

"The Bill proposes to make it obligatory on the persons who *inherit the property of their aged relatives to maintain them*. It also aims to make provisions for setting up old age homes to take care of indigent older persons. It aims to set up an appropriate mechanism for need-based maintenance to parents and senior citizens, better medical facilities and old age homes in every district. It seeks for institutionalisation of a suitable mechanism for the protection of the life and property of older persons. Describing ageing as a major challenge and the need to give more attention to the care and protection of the older person, the statement of objects and reasons said many older persons, particularly widowed women, are now forced to spend their twilight years all alone and face emotional neglect and lack physical and financial support. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is need to have simple, inexpensive and speedy provisions to claim maintenance."

13. The Maintenance and Welfare of Senior Citizens Act provides for duties and responsibilities of the District Collector. It would be appropriate to point out the duties and responsibilities of the District Collector / Superintendent of Police / Deputy Commissioner of Police with regard to ensuring security and safety of the Senior Citizens and the relevant provisions are extracted hereunder for easy reference:

"20. Duties and powers of the District Collector -

(1) The District Collector shall perform the duties and exercise the powers mentioned in sub-rule (2) and (3) so as to ensure that the provisions of the Act are properly carried out in his district.

(2) It shall be the duty of the District Collector to -

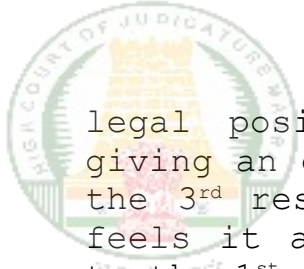
(i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

(ii) oversee and monitor the work of Maintenance Tribunals and Maintenance Officers of the district with a view to ensuring timely and fair disposal of Applications for maintenance, and execution of Tribunals' orders;

(iii) - (xi) -----

<https://hcservices.ecourts.gov.in/hcservices/> -- "

14. Under such circumstances, the 2nd respondent is directed to consider the representation dated 09.06.2016 in the light of the



legal positions indicated above and to take a decision after giving an opportunity of hearing to both the petitioner as well as the 3rd respondent. After consideration, if the second respondent feels it appropriate / necessary, the complaint may be forwarded to the 1st respondent to provide physical protection.

With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Commissioner of Police, Madurai District, Madurai.

2. The District Collector, Madurai District, Madurai.

+1cc to M/s.Kottakkalai, Advocate in SR.40148

+1cc to the Special Government Pleader, in SR.41069

W.P. (MD) No.13160 of 2016

27.07.2016

ar.

PBK/GSV-PM/SAR-III 17/08/2016 ::5P-5C:: (IT)