

Legal Framework Enhanced by a Propositional Inference Engine for the Maintenance and Welfare of Parents and Senior Citizens Act

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Abstract

This work critically examines the Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA Act) in India, focusing on challenges, potential misuse, and the legal implications associated with its provisions. The paper delves into the broader context of legal frameworks, exploring the misuse of laws, particularly the Right to Information (RTI) Act, by individuals for personal interests. The educated class's role in such misuse is highlighted, emphasizing the need for a nuanced examination of legal frameworks. The MWPSA Act, designed to safeguard the well-being of senior citizens, is analyzed in detail, with a specific focus on Section 23 and its potential application. The paper also proposes a propositional inference engine to expedite judgment processes in tribunals dealing with MWPSA Act cases.

Keywords: Legal Framework, Binary Inference Engine, Maintenance and Welfare, Parents and Senior Citizens Act

1 Introduction

Since the inception of the Right to Information (RTI) Act, there has been a discernible pattern of individuals exploiting its provisions for personal experimentation, exhibition, and self-interest, deviating from the intended purpose of the law [1]. In the contemporary era, individuals from all walks of life possess the ability to engage with government administration effortlessly, utilizing channels such as email and social media at any given moment [2][3]. While this unbounded access facilitates public interaction, the absence of regulations surrounding these communications poses a significant challenge to effective governance for government officials [4].

Such unhindered opportunities, provided by prevailing laws, prove advantageous to citizens but concurrently pose challenges to the administrative needs of the government [5]. While these legislative acts serve to address natural issues, they inadvertently give rise to abnormal problems. The lack of clarity concerning the consequences for those who exploit these acts results in the manifestation of artificial problems, further complicating the governance landscape. The educated class holds a significant responsibility in preventing law misuse [6]. Despite existing legal norms like the Provident Fund Act, establishments overseen by educated individuals often flout provisions [7]. Legal challenges, even when officials take corrective actions, result in delays, resource consumption, and hindrances to government officials' efficiency [8]. Misuse of legal avenues hampers government officials' duties, reflecting a misuse of public time and funds [9][10]. Establishments, aware of legal obligations, engage in actions hindering productivity. The contradiction between the educated class's legal knowledge and resistance to compliance impacts well-intentioned measures, diverting resources from public welfare purposes [11].

The current legal landscape tends to criminalize actions of ordinary citizens, necessitating a distinction between good and bad laws [12]. The latter can lead to discrimination, harassment, and corruption [13]. Active societal engagement in legislative discussions is crucial, urging lawmakers to propose and uphold fair, nondiscriminatory, and enforceable laws [14]. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act), recently approved by the Union Cabinet, is not immune to misuse. Proposed amendments addressing social concerns require scrutiny from a legal perspective to ensure a balanced and effective legal framework [15].

2 Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act)

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act), is an Indian legislation enacted to provide legal and financial support to elderly individuals [16] [17]. The primary objective of the Act is to ensure the well-being and maintenance of senior citizens, including parents, by their children and heirs [18][19]. Key provisions of the MWPSA Act include the following [20].

1. **Maintenance Obligation:** The Act places a legal obligation on adult children and heirs to provide maintenance to their parents or senior citizens who are unable to maintain themselves. This obligation extends to both financial and healthcare support.
2. **Maintenance Tribunal:** The Act establishes Maintenance Tribunals to adjudicate disputes related to the maintenance of senior citizens. These tribunals have the authority to issue orders for maintenance.

3. **Procedure for Maintenance:** The Act outlines the procedure for filing applications for maintenance, the powers of the Maintenance Tribunals, and the factors to be considered in determining the quantum of maintenance.
4. **Punishment for Neglect:** The Act includes provisions for penalties or imprisonment for children or heirs who neglect their responsibility to maintain their parents or senior citizens.
5. **Rights of Senior Citizens:** The legislation emphasizes the rights of senior citizens to lead a dignified life, receive healthcare, and protection against neglect or abandonment.
6. **Old Age Homes:** The Act recognizes the establishment of old age homes for senior citizens who are abandoned or do not have anyone to take care of them.

3 Section 23 of MWPS Act

Section 23 of the MWPS Act outlines conditions under which the transfer of property may be deemed void [21][22]. It's important to note that being a senior citizen alone does not automatically render any property transfer involving them void.

The provision 23(1) of the MWPS Act comes into play when a senior citizen transfers their property, whether through a gift or another method, with the condition that the recipient (transferee) must provide basic amenities and physical needs to the senior citizen [23]. If the transferee fails or refuses to fulfill this condition, the transfer is considered to have been made under circumstances involving fraud, coercion, or undue influence. The senior citizen, in such situations, has the option to declare the transfer of property as void by approaching the Tribunal. This legal framework aims to protect senior citizens from situations where the terms of the property transfer, particularly regarding their well-being, are not upheld by the transferee.

Section 23(2) of the MWPS Act is designed to safeguard the entitlement of senior citizens to receive maintenance, even in scenarios where the estate undergoes a transfer to a different party. The enforceability of this right hinges on certain conditions. Specifically, if the transferee is cognizant of the senior citizen's right or if the transfer is gratuitous (made without consideration), the senior citizen retains the ability to assert their right against the transferee. However, if the transfer is made in exchange for consideration and the transferee is unaware of the senior citizen's rights, enforcement against the transferee may encounter limitations. The underlying intention is to strike a balance between preserving the rights of senior citizens and ensuring fairness in transactions related to estate transfers.

Provision 23(3) essentially recognizes that there may be situations where a senior citizen, due to incapacity, is unable to independently assert their rights under the Act. In such instances, the Act empowers specific organizations mentioned in Section 5(1) to take appropriate action on behalf of the senior citizen to ensure the protection of their rights and welfare.

4 Propositions and Implications in the Context of MWPS Act

Commencing our exploration into the Maintenance and Welfare of Parents and Senior Citizens Act (MWPS Act), it is imperative to examine the propositions that underpin this legislative framework. The propositions, denoted as P_i (where $i \in \{1, \dots, 9\}$), comprise the following:

1. **Retroactivity of the Act (P_1):** One crucial proposition is that the transfer of property must have occurred after the enactment of the MWPS Act in the respective states. For example, if the Act came into force in a particular state on 01.04.2008, any estate transfer to fall under the Act's purview must have taken place on or after this date. The implications of retroactive applicability are explored, emphasizing the need for responsible handling by both parents and children once the Act is in force.
2. **Age Criterion for Senior Citizen Consideration (P_2):** The age of the transferer during the estate transfer must align with the age stipulated in the Act to be considered a senior citizen. If a transferer becomes a senior citizen after the property transfer, the provisions of the Act are not applicable. This proposition establishes a clear criterion based on the transferer's age at the time of the estate transfer.
3. **Single Transferer to Single Transferee Dynamics (P_3):** The estate transfer must involve only one transferer who has attained senior citizen status, and the transferee should not have reached the senior citizen age. This proposition is essential to address potential complexities arising from multiple transferers or transferees, especially in cases where retroactive applicability adds layers of ambiguity.

In cases involving multiple transferers and transferees, various scenarios may unfold. The group of transferers could consist of multiple senior citizens or a lone senior citizen alongside other transferers not meeting the senior citizen criteria. Conversely, one or more transferees could be involved, with age statuses ranging from senior citizens to those yet to reach that threshold. In the event of retroactive applicability of the Act, the transferee bears the obligation to address all transferers upon their attainment of senior citizen status, particularly if seeking remedies under the same Act. The intricacy escalates when the transferee is also a senior citizen. This complexity underscores the proposition that ensues.

4. **Mandatory Disclosure for MWPS Act in Estate Transfer Documents**

(P_4): In light of the Act's non-retrospective nature, it is henceforth crucial to enforce a mandate necessitating explicit mention in estate transfer documents if they fall under the purview of the Maintenance and Welfare of Parents and Senior Citizens (MWPS) Act. In situations where the MWPS Act is applicable, the transfer document must expressly outline the obligation of transferee/s to provide basic amenities to the transferer. Additionally, there must exist concrete evidence substantiating any instances where transferee/s refuse to fulfill this obligation towards the transferer.

5. **Seeking Remedy from All Children or heirs (P₅):** In situations where the transferer has multiple children, seeking remedy from all children, irrespective of whether they are transferees, is imperative for justice to be inferred. This proposition aims to avoid potential biases and ensures a comprehensive approach to dispute resolution under the Act.
6. **Consideration and Loans in Estate Transfer (P₆):** The transferer must not have received any consideration for the estate transfer from the transferee or other heirs. The presence of a loan on the estate, with the condition that the transferee/s repays it, may be considered a form of consideration, potentially impacting the applicability of the Act. This proposition clarifies the financial aspects of estate transfers.
7. **Multiple Estate Transfers and Seeking Remedies (P₇):** If there are multiple estate transfers by the same transferer to different transferees, the transferer must seek a remedy under the Act from all transferees instead of just one. This ensures a fair and comprehensive approach to dispute resolution, preventing a situation where one transferee is solely responsible for the transferer’s maintenance.
8. **Irrevocability of Release Deed (P₈):** The proposition that the release deed of property is always irrevocable establishes a fundamental principle, emphasizing that the transferer relinquishes any right to cancel the deed once executed. This clarity is essential for legal certainty in estate transfers under the Act.
9. **Financial Eligibility Requirement for Maintenance under the Act (P₉):** The transferer’s monthly income must not exceed the maximum specified for maintenance in the provisions of the Act.

These propositions and their implications serve as a guideline for the proper interpretation and application of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, addressing potential ambiguities and ensuring a just and effective legal framework for the protection of senior citizens’ rights.

5 Proposed Propositional Inference Engine

The propositions P_i (where $i \in 1, \dots, 9$), elucidated in Section 4, manifest a binary nature, suggesting the creation of a straightforward inference engine as a practical solution. Introducing decision outcome variables Y_1 , Y_2 , and Y_3 corresponding to the Rejection of declaring estate transfer as void, Acceptance of estate Transfer as Void, and Suggestion to approach Court of Law for Remedy, respectively, we propose a simple propositional inference engine model to determine outcomes based on pivotal propositions P_i . Logical operations will be employed for this purpose as shown in equations (1), (2), and (3).

$$Y_1 = \neg P_1 \wedge \neg P_2 \wedge \neg P_4 \wedge P_6 \wedge P_8 \wedge P_9 \tag{1}$$

$$Y_2 = P_1 \wedge P_2 \wedge P_3 \wedge P_4 \tag{2}$$

$$Y_3 = P_1 \wedge P_2 \wedge \neg P_3 \wedge \neg P_4 \wedge P_5 \wedge P_6 \wedge P_7 \tag{3}$$

In light of the propositions presented, an inference engine model is introduced to derive one of the three decision outcomes. This innovation aims to streamline and expedite the adjudication process within tribunals, especially when confronted with numerous mis-

cases under the Act. The anticipated judgment should unequivocally dismiss the petition if the pivotal propositions remain unfulfilled by the transferer. Alternatively, it should guide the transferer towards seeking an appropriate remedy through the relevant legal avenues within a court of law.

The judicious application of laws in this manner holds the potential to usher in an era characterized by swifter, more efficient governance and justice. This approach effectively harnesses the democratic resources at our disposal, aligning with the overarching goal of optimizing the functionality of legal frameworks within the Maintenance and Welfare of Parents and Senior Citizens Act.

6 Conclusion

This study undertook a comprehensive exploration of the Maintenance and Welfare of Parents and Senior Citizens Act, examining challenges, potential misuse, and legal implications, with a focus on Section 23. The proposed binary inference engine adds a practical dimension to the analysis, offering a mechanism for expedited and consistent judgments in tribunals dealing with MWPSA Act cases.

In conclusion, the multifaceted nature of legal challenges surrounding senior citizen rights necessitates continuous scrutiny and refinement of legal frameworks. The proposed binary inference engine aligns with this objective, aiming to contribute to swifter, fairer, and more efficient justice delivery. As society evolves, so must our legal mechanisms to ensure the protection, dignity, and welfare of senior citizens in India.

7 Declarations

7.1 Funding

Not applicable.

7.2 Conflict of interest/Competing interests

No conflict of interest.

7.3 Availability of data and material (data transparency)

Not Applicable

7.4 Code availability (software application or custom code)

Not Applicable

7.5 Authors' contributions

Equal contribution from all authors.

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