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DAUGHTERS' DUTY TO MAINTAIN PARENTS: GAPS AND OVERLAPS IN THE HINDU ADOPTIONS AND MAINTENANCE ACT, THE SENIOR CITIZENS ACT AND THE BHARATIYA NAGARIK SURAKSHA SANHITA

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Abstract

Indian law imposes a duty on adult children to maintain parents who cannot support themselves. This duty is found in three separate laws: Section 20 of the Hindu Adoptions and Maintenance Act, 1956; the Maintenance and Welfare of Parents and Senior Citizens Act, 2007; and Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which replaced Section 125 of the Code of Criminal Procedure, 1973. Each law speaks of "children" or "parents" in gender-neutral terms, and the Supreme Court has held that a married daughter with sufficient means is liable in the same way as a son. However, the three laws provide different forums, procedures and remedies, and none explains how they should operate together, how liability should be shared among siblings, or how a married daughter's means should be assessed. Using the doctrinal method, this paper examines the three laws side by side, analyses the leading case law, and identifies gaps in coordination, apportionment and enforcement. It argues that the law is formally equal but practically unclear, and it proposes reforms, including a coordination provision, statutory guidance on sharing liability among children, and stronger enforcement, so that the duty is clear and fair to parents and daughters alike.

Keywords: Maintenance of Parents; Daughters; Senior Citizens Act; Section 144 BNSS; Gender Equality.

I. INTRODUCTION

In traditional Hindu society, the duty to look after ageing parents was expected to fall mainly on sons, while a daughter, once married, was regarded as belonging to her husband's family. The law has since moved on. The Constitution prohibits discrimination on the ground of sex,[1]

[1] India Const. art. 14, 15, cl. 1.

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modern statutes speak of "children" rather than "sons", and the Supreme Court has affirmed that daughters have the same coparcenary rights as sons.[2] If daughters share equally in family property, it is reasonable to ask whether the law on their corresponding duties is equally clear.

The **central problem** examined in this paper is that the duty to maintain parents is found in **three separate laws**: Section 20[3] of the Hindu Adoptions and Maintenance Act, 1956 (HAMA), the Maintenance and Welfare of Parents and Senior Citizens Act, 2007[4] (the Senior Citizens Act), and Section 144[5] of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which replaced Section 125[6] of the Code of Criminal Procedure, 1973 (CrPC). A parent may approach a civil or family court, a Maintenance Tribunal or a Magistrate, depending on the law invoked. These enactments were made at different times and for different purposes, and they do not refer to one another in any clear way. Where the person from whom maintenance is claimed is a daughter, particularly a married daughter, questions arise that the statutes do not directly answer.

The question is practical because many elderly persons depend on their children. The paper reads the three laws, which are usually discussed separately, together and from the position of the daughter, who is the person liable and not the claimant. It does not question the principle that adult children must support parents in need, but asks whether the machinery for enforcing it is clear enough to be applied fairly to every child, including a married daughter.

Parts II to VII set out the objectives, research questions, hypothesis, literature review, methodology and scope of the study. Part VIII explains the three laws, Part IX examines the case law, Part X analyses the gaps and overlaps, Part XI gives brief comparative notes, Part XII suggests reforms, and Part XIII concludes.

II. RESEARCH OBJECTIVES

The study has **four objectives**: to explain a daughter's duty to maintain her parents under HAMA, the Senior Citizens Act and the BNSS; to study how the courts have interpreted that duty, especially for married daughters; to identify the gaps and overlaps between the three laws; and to suggest reforms that would make the duty clearer and fairer to parents and daughters alike.

[2] *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1 (India).
[3] Hindu Adoptions and Maintenance Act, 1956, § 20, No. 78, Acts of Parliament, 1956 (India).
[4] Maintenance and Welfare of Parents and Senior Citizens Act, 2007, No. 56, Acts of Parliament, 2007 (India).
[5] Bharatiya Nagarik Suraksha Sanhita, 2023, § 144, No. 46, Acts of Parliament, 2023 (India).
[6] Code of Criminal Procedure, 1973, § 125, No. 2, Acts of Parliament, 1974 (India).

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III. RESEARCH QUESTIONS

The central research question is **whether the Indian law on a daughter's duty to maintain her parents, found in three separate enactments, is clear, coherent and fair when applied in practice**. Three **sub-questions** follow. **First**, is a daughter, including a married daughter, legally bound to maintain her parents? **Second,** how do the three laws differ in forum, procedure and remedy, and do they operate coherently together? **Third**, what gaps affect daughters in particular, and how can they be addressed?

IV. HYPOTHESIS

The hypothesis is that the three laws are formally gender-neutral and make daughters equally liable with sons, but that the absence of coordination between them, and of guidance on apportionment, the assessment of means and enforcement, creates uncertainty for both parents and daughters. It is tested by comparing the text of the three laws and examining how the courts have applied them.

V. LITERATURE REVIEW

The **writing** relevant to this topic falls **into three groups**. The **first** is primary legal material: the three statutes and the decisions interpreting them, notably **Dr.Vijaya Manohar Arbat v. Kashirao Rajaram Sawai**, which tell us that a daughter, married or unmarried, **with sufficient means** may be held liable to maintain a parent. The **second** is standard textbooks on personal law, which explain **Section 20 of HAMA** but generally treat the maintenance of parents as one part of a wider discussion centred on wives and children.[7]

The **third group** is journal literature on **the Senior Citizens Act**, most of which examines how the Act works for the elderly. A socio-legal study of complaints before the Maintenance Tribunal in Kolkata argues that the law responds to economic needs but not to the wider social needs of older persons.[8] An empirical study assesses how effectively those Tribunals give the elderly access to justice,[9] and a critical appraisal evaluates the implementation of the Act and the amendments proposed to strengthen it.[10] Legislative material, in particular the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, shows the changes

[7] D.F. Mulla, Mulla Hindu Law (23d ed. 2018); Paras Diwan, Modern Hindu Law (24th ed. 2019).
[8] Deblina Dey, *A Socio-Legal Analysis of Elder Care Laws in India*, 21 Theoretical Inqs. L. 77 (2020).
[9] Anuleena Bhattacharjee & Sanjit Kr. Chakraborty, *Navigating the Path to Justice: An Empirical Analysis of Access to Justice for the Elderly through Maintenance Tribunals in Kolkata*, 14 Indian J.L. & Just. 341 (2023).
[10] Thomas Gregor Issac et al., *Maintenance and Welfare of Parents and Senior Citizens Act 2007: A Critical Appraisal*, 43 Indian J. Psychol. Med. S107 (2021).

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Parliament has considered.

These studies largely take the viewpoint of the elderly parent or the tribunal. In the sources consulted for this paper, how the three laws apply together to a daughter as the person liable received little direct attention. This paper seeks to fill that gap.

VI. RESEARCH METHODOLOGY

This research employs the **doctrinal approach** for legal research that studies law through an analysis of statutory provisions, court judgments and scholarly works. The **primary sources** consist of three enactments and **the judgments of Supreme Court and High Courts**. The **secondary sources are books, articles and legislations summary**. The study has compared provisions relating to forum, procedure, remedy and language, examined the judgments on daughter's liability and welfare acts conflict, and found whether the framework is coherent and equitable. The methodology adopted in this study is thus descriptive and analytical. There are two hypothetical illustrations to demonstrate the gap. The sources have been cited in footnote style, common in Indian law journals.

VII. SCOPE AND LIMITATIONS OF THE STUDY

The paper is limited to the maintenance of parents by adult children, with a focus on daughters. It does not deal with the maintenance of wives or minor children, with succession as such, or with a detailed international comparison.

The study has three limitations. Being doctrinal, it cannot show how often parents succeed in claims against daughters, which would need empirical data. The BNSS came into force only in July 2024, so there is little case law under Section 144 itself and the paper relies on decisions under the corresponding provision of the CrPC. And the law may change, so the provisions and decisions cited should be checked against their latest versions.

VIII. THE LEGAL FRAMEWORK

A. Constitutional Background

Articles 14 and 15(1) require equality before the law and prohibit discrimination on the ground of sex, which is the standard against which a daughter's liability should be measured. Article 41, a directive principle, requires the State, within the limits of its economic capacity, to make effective provision for public assistance in cases of old age, among others.[11]

[11] India Const. art. 41.

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B. Section 20 of the Hindu Adoptions and Maintenance Act, 1956

Section 20 of HAMA is the personal-law provision for Hindus, a term which, under Section 2, also covers Buddhists, Jains and Sikhs. Section 20(1) provides that a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.[12] The words "his or her" make clear that the duty falls on sons and daughters alike. The duty is, however, conditional on need: under Section 20(3), it extends only so far as the parent is unable to maintain himself or herself out of his or her own earnings or other property.[13] The Explanation states that "parent" includes a childless stepmother. A claim is brought before a civil court or a Family Court, so it is an ordinary proceeding with the delay that such proceedings often involve.

C. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The Senior Citizens Act was enacted to give parents a faster and simpler remedy. It applies irrespective of religion. A parent, whether or not a senior citizen, who cannot maintain himself or herself out of his or her own earnings or property may apply for maintenance from his or her children.[14] The Act defines "children" to include a son, a daughter, a grandson and a granddaughter, but not a minor, and it draws no distinction between married and unmarried daughters.[15] Applications are heard by a Maintenance Tribunal, with an appeal to an Appellate Tribunal. The Act as passed placed a ceiling of Rs. 10,000 per month on the allowance, makes abandonment of a senior citizen an offence, and, under Section 3, overrides inconsistent provisions of other enactments.[16]

Parliament has considered changing several features. The 2019 Amendment Bill, introduced in the Lok Sabha in December 2019, proposed to remove the ceiling on the allowance, to widen "children" to include step-children, adoptive children and children-in-law, and to shorten the period for complying with an order from thirty days to fifteen.[17] The present status of the Bill, and therefore the current text of the Act, should be verified before any figure or definition is relied on.

D. Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023

The BNSS replaced the CrPC and came into force on 1 July 2024. 144 BNSS is similar to

[12] Hindu Adoptions and Maintenance Act, 1956, § 20(1), No. 78, Acts of Parliament, 1956 (India).
[13] *Id.* § 20(3).
[14] Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §§ 4–5, No. 56, Acts of Parliament, 2007 (India).
[15] *Id.*, s. 2(a).
[16] *Id.*, ss. 3, 9, 16 and 24.
[17] PRS Legis. Rsch., *The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019* (Bill Summary 2019).

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Section 125 CrPC and the provisions regarding a maintenance are almost verbatim adopted from it, hence the earlier case law is still applicable.[18] Under clause (d) of the corresponding provision, a **person with sufficient means** who neglects or refuses to maintain his father or mother, who is unable to maintain himself or herself, may be ordered by a Magistrate to pay a monthly allowance. The remedy is secular and summary, intended to prevent destitution, and the former ceiling of Rs. 500 per month was removed in 2001.

E. The Three Laws Compared

Table 1 summarises the main differences between the three provisions.

Table 1: Comparison of the three maintenance provisions

Feature	HAMA, 1956, s. 20	Senior Citizens Act, 2007	BNSS, 2023, s. 144
Applies to	Hindus (including Buddhists, Jains and Sikhs)	All religions	All religions
Forum	Civil court or Family Court	Maintenance Tribunal; appeal to Appellate Tribunal	Magistrate
Nature of proceeding	Ordinary civil proceeding	Summary, designed to be quick	Summary, to prevent destitution
Wording on children	"his or her" children and parents	"children" includes son and daughter	"his" father or mother, read to include "her"
Special features	Personal-law duty; childless stepmother included	Property-transfer protection; offence of abandonment	Order enforced through the Magistrate

IX. THE JUDICIAL APPROACH

A. Vijaya Manohar Arbat v. Kashirao Rajaram Sawai

The leading authority on a daughter's liability is *Dr. Mrs. Vijaya Manohar Arbat v. Kashirao Rajaram Sawai*.[19] The appellant, a medical practitioner, was the married daughter of the respondent, who stated that he could not maintain himself and applied to the Magistrate under Section 125(1)(d) of the CrPC for Rs. 500 per month from her. The Magistrate overruled her

[18] Bharatiya Nagarik Suraksha Sanhita, 2023, § 144, No. 46, Acts of Parliament, 2023 (India) (corresponding to Code of Criminal Procedure, 1973, § 125, No. 2, Acts of Parliament, 1974).
[19] *Vijaya Manohar Arbat v. Kashirao Rajaram Sawai*, (1987) 2 SCC 278 (India).

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objection that a father cannot claim maintenance from a married daughter, the High Court upheld that decision in revision, and she appealed to the Supreme Court.

The daughter made two arguments. The first was textual: clause (d) refers to "his father or mother", and "his", she said, excludes a female. The second was conceptual: a woman who marries enters another family, and her ties with her birth family are broken. The Supreme Court rejected both. On the first, it held that, under Section 8 of the Indian Penal Code read with Section 2(y) of the CrPC, the pronoun "his" also indicates a female, so that parents may claim maintenance from a daughter just as from a son. On the second, it declined to accept that a married daughter has no obligation to maintain parents who cannot maintain themselves, and observed that a son or daughter is under a moral obligation to do so, which Section 125 gives legal force.

The ruling clears any doubt as to the gender neutrality of the provision and shows that marriage does not extinguish a daughter's obligation. Liability, however, depends on sufficient means, so a married daughter without independent income is not automatically liable. The High Courts have followed the decision since. The Madhya Pradesh High Court in a revision decided in December 2018 and the Delhi High Court in a revision decided on 11 December 2025 have each held that a daughter, married or unmarried, with sufficient means can be required to maintain her parent.[20]

B. Vineeta Sharma v. Rakesh Sharma

In *Vineeta Sharma*[21], the Supreme Court held that a daughter is a coparcener by birth with same rights as a son under the amended Hindu Succession Act. The case is not concerned with maintenance, but it lends support to an argument formulated in Part X: if daughters have equal rights in family property then the law should prescribe duties towards parents with equal clarity.

C. S. Vanitha v. Deputy Commissioner, Bengaluru Urban District

In *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District*, decided in December 2020, the Supreme Court considered the interaction between the Senior Citizens Act and the Protection of Women from Domestic Violence Act, 2005, in a dispute about a shared household.[22] The Court read the two enactments together so that the purpose of the Senior Citizens Act would not defeat a woman's right to residence. The decision shows that the Court prefers a harmonious reading of overlapping welfare laws to treating one as automatically overriding the other, an approach that could also be used for the three parental-maintenance

[20] Criminal Revision No. 2201 of 2018, High Court of Madhya Pradesh (Jabalpur Bench), decided on 18 December 2018; CRL.REV.P.(MAT.) 230/2025, High Court of Delhi, decided on 11 December 2025.
[21] *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1 (India).
[22] *S. Vanitha v. Deputy Comm'r, Bengaluru Urban Dist.*, (2021) 15 SCC 730 (India)

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laws.

D. What the Case Law Settles and What It Leaves Open

The decisions establish that a daughter is liable to maintain a parent who cannot maintain himself or herself, that marriage does not in and of itself terminate that liability, that liability is dependent on sufficient means and that the remedy under the criminal procedure law is secular. They leave open coordination of a claim under the Senior Citizens Act, a suit under HAMA and an application under the BNSS, assessment of a married daughter's means and sharing of liability among siblings. The BNSS is new and so is little authority on Section 144 itself.

X. GENDER EQUALITY AND THE LEGAL RESPONSIBILITY OF MARRIED DAUGHTERS

The legal obligation to maintain parents in India is governed by different statutory provisions, including Section 20 of the Hindu Adoptions and Maintenance Act, 1956 HAMA[23], Sections 4 and 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007[24], and Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)[25]. These provisions recognise the responsibility of children towards parents who are unable to maintain themselves, subject to the requirements of the respective enactments. Although the statutory framework generally recognises daughters and sons as potential providers of maintenance, the practical application of this obligation raises questions concerning gender equality, financial independence and the position of married daughters.

The Supreme Court directly addressed the liability of a married daughter in ***Dr. (Mrs.) Vijaya Manohar Arbat v. Kashi Rao Rajaram Sawai***.[26]The Court ruled that, provided the statutory criteria were met, a father might seek support from his married daughter under Section 125(1)(d) of the Code of Criminal Procedure, 1973. It made clear that the phrase "his father or mother" did not limit the duty to sons and that a daughter did not stop being her parents' child when married. Importantly, the Court noted that a married daughter's adequate means had to be evaluated apart from her husband's income before any maintenance order against her. This ruling confirms that marriage does not by itself discharge a daughter's maintenance responsibility toward her parents.

[23] Hindu Adoptions and Maintenance Act, 1956, § 20(1), No. 78, Acts of Parliament, 1956 (India).
[24] Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §§ 4–5, No. 56, Acts of Parliament, 2007 (India).
[25] Bharatiya Nagarik Suraksha Sanhita, 2023, § 144, No. 46, Acts of Parliament, 2023 (India).
[26] *Vijaya Manohar Arbat v. Kashirao Rajaram Sawai*, (1987) 2 SCC 278 (India).

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However, statutory language's official equality could not automatically fix every problem seen in reality. Residing with her husband or in-laws, a married daughter could have little independent income and may have obligations toward her own children and other dependents. The legal analysis has to distinguish between the general financial means of the home she inhabits and resources she owns or has separately accessible. Treating a husband's income as automatically available to his wife can burden her based on resources she does not personally manage. The principle acknowledged in ***V.M. Arbat***[27]therefore remains important when assessing the financial capacity of a married daughter.

A further question arises under (Section 1441)(c) of the BNSS[28], which excludes a married daughter from the category of adult children who may claim maintenance from a parent on account of a physical or mental abnormality or injury preventing self-maintenance. This exclusion concerns only daughter's status in terms of being a claimant under this particular provision and does not free her from being liable for her actions under Section 144(1)(d). This difference raises a legitimate concern about consistent treatment of married daughters under the law.

The constitutional dimension of the issue must also be considered. Articles 14 and 15 of the Constitution of India guarantee equality before the law and prohibit discrimination on specified grounds, including sex.[29] The Supreme Court's decision in ***Vineeta Sharma v. Rakesh Sharma*** [30]affirmed the equal coparcenary rights of daughters and sons under Section 6 of the Hindu Succession Act, 1956, as amended in 2005.[31] Although succession rights and maintenance obligations arise under distinct legal provisions, the decision reflects the wider constitutional movement towards equality within the family. It would therefore be inappropriate to assume, without examining the circumstances, that sons should bear the principal responsibility for parental maintenance or that married daughters should be treated as secondary contributors.

At the same time, equality must not be interpreted as requiring every child to contribute an identical amount irrespective of financial circumstances. The appropriate approach is to assess the parent's needs and each child's actual capacity to contribute. Article 41 of the Constitution further directs the State, within the limits of its economic capacity and development, to make effective provision for public assistance in cases of old age. The maintenance of elderly persons

[27] *Id.*
[28] Bharatiya Nagarik Suraksha Sanhita, 2023, § 144, No. 46, Acts of Parliament, 2023 (India).
[29] India Const. art. 14, 15, cl. 1.
[30] *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1 (India).
[31] Th**e Hindu Succession Act, 1956, § 6, No. 30, Acts of Parliament, 1956 (India).**

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should consequently be understood as involving both familial responsibility under applicable legislation and the State's wider responsibility for social welfare.

XI. Overlapping Statutory Remedies and the Determination of Financial Liability

The existence of multiple statutory remedies creates questions concerning jurisdiction, procedure and the coordination of maintenance orders. Section 20 of HAMA provides for the maintenance of aged or infirm parents who are unable to maintain themselves from their own earnings or other property. The Senior Citizens Act, 2007, provides a specialised mechanism through Maintenance Tribunals, while Section 144 of the BNSS enables eligible parents to seek maintenance through summary proceedings before a Magistrate. These enactments differ in their scope and procedures, and HAMA applies to Hindus, whereas the other two mechanisms are not confined to Hindus.The availability of different remedies may improve access to relief, but it also makes coordination important where claims arise from the same maintenance obligation.

For example, a widowed Hindu father may apply to a Maintenance Tribunal seeking maintenance from his daughter and subsequently institute proceedings under Section 20 of HAMA concerning the same obligation[32]. This situation raises questions about the permissibility of parallel proceedings, the disclosure of existing applications and orders, and the prevention of duplicate recovery. Section 3 of the Senior Citizens Act gives the Act overriding effect over inconsistent provisions of other enactments. However, the existence of multiple remedies does not necessarily mean that their provisions are inconsistent in every case. The overriding clause must therefore be interpreted in the context of the relevant statutory provisions rather than assumed to eliminate every other available remedy.

The Supreme Court's decision in ***S. Vanitha v. Deputy Commissioner, Bengaluru Urban District*** [33]is relevant to this interpretative issue. The Court considered the interaction between the Senior Citizens Act and the Protection of Women from Domestic Violence Act, 2005, and held that the overriding clause could not be applied mechanically to defeat the protections available under the latter legislation. Although the judgment did not directly decide the relationship between HAMA and the BNSS, it illustrates the importance of interpreting overlapping statutory protections harmoniously. Express legislative guidance on concurrent

[32] Hindu Adoptions and Maintenance Act, 1956, § 20, No. 78, Acts of Parliament, 1956 (India).
[33] *S. Vanitha v. Deputy Comm'r, Bengaluru Urban Dist.*, (2021) 15 SCC 730 (India).

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maintenance proceedings would reduce uncertainty and assist courts and tribunals in avoiding inconsistent orders.

Another unresolved issue concerns the distribution of maintenance liability among several children. The statutory framework does not establish a comprehensive formula requiring contributions to be apportioned according to each child's financial capacity. Consider a mother who cannot maintain herself and has two sons and a married daughter. One son has migrated abroad and contributes nothing, the second earns a modest income, and the daughter is employed as a salaried teacher. If proceedings are initiated only against the daughter because she lives nearby, she may face the practical risk of bearing a disproportionate share of the expense. The law should not assume that the most accessible child must necessarily bear the entire financial burden.

A fair determination should consider the parent's reasonable needs alongside the financial circumstances of all children who may be legally liable. Relevant factors may include income, assets, necessary expenditure, existing dependants and other genuine financial obligations. Contributions could be determined proportionately to the respective capacities of the children, rather than by imposing identical amounts on children with substantially different means. The law should expressly clarify the principles governing such apportionment while ensuring that a parent is not deprived of timely relief merely because one child is unavailable, resides abroad or refuses to contribute.

The issue of financial capacity becomes particularly significant where the respondent is a married daughter. As recognised in ***V.M. Arbat***[34], her means must be assessed independently of her husband's income.Residence in a financially secure household does not necessarily establish that the daughter has independent access to all household resources. Consequently, liability should be determined on the basis of her actual financial capacity and the circumstances relevant under the applicable legislation, rather than on an assumption that her husband's earnings are automatically available to satisfy her obligation.

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, also raises questions concerning the scope of persons responsible for maintenance. The Bill proposed expanding the definition of children to include step-children, adoptive children and children-in-law, among other changes. It also proposed removing the existing ceiling on maintenance allowances and strengthening enforcement mechanisms.However, the 2019 Bill lapsed following the dissolution of the Seventeenth Lok Sabha and must not be treated as an

[34] *Vijaya Manohar Arbat v. Kashirao Rajaram Sawai*, (1987) 2 SCC 278 (India).

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enacted amendment. A separate private member's Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2025, has been introduced and is listed as pending. Its proposals must likewise be distinguished from the law presently in force.[8]

If legislation extending maintenance liability to children-in-law were enacted, it would raise further questions concerning the relationship between a person's obligations towards their own parents and any proposed obligation towards their spouse's parents. It would also require clarity regarding the allocation of financial responsibility between households. Such questions should be addressed expressly in legislation rather than left unresolved until disputes arise.

XII. Effectiveness of Maintenance Remedies and the Need for Legislative Reform

The effectiveness of parental maintenance legislation depends not only on the recognition of a legal obligation but also on the adequacy of the remedy, the accessibility of the forum and the enforcement of orders. Section 9(2) of the Senior Citizens Act, 2007, provides that the maximum maintenance allowance ordered by a Tribunal shall be prescribed by the State Government and shall not exceed ₹10,000 per month under the existing statutory text.[9] This ceiling may be insufficient where an elderly parent faces substantial medical expenses, housing costs or other essential expenditure. The position illustrates the importance of periodically reviewing maintenance limits in light of actual living costs and the reasonable needs of claimants.

The 2019 Amendment Bill proposed removing the upper ceiling and requiring the maintenance amount to be determined by reference to relevant financial circumstances. It also proposed changes to the period for compliance with maintenance orders and to the recovery of amounts due.[10] These proposals demonstrate that the adequacy of maintenance awards and the enforcement of orders have been recognised as matters requiring legislative attention. However, proposals contained in a Bill that has lapsed cannot be relied upon as the current law. Reform recommendations must distinguish between existing statutory powers and changes that have been proposed but not enacted.

The practical operation of the Senior Citizens Act has also been examined in published socio-legal and empirical literature. **Anuleena Bhattacharjee and Sanjit Kumar Chakraborty**, in their 2023 study of **Maintenance Tribunals in Kolkata**, examined the effectiveness of these

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forums in providing older persons with access to justice[35]. Their research highlights the importance of evaluating the functioning of tribunals and identifying areas in which the accessibility and effectiveness of the legal process may be improved. Similarly, **Thomas Gregor Issac** and his co-authors, in their 2021 critical appraisal of the Senior Citizens Act, examined the legal and welfare challenges affecting the protection of older persons[36]. These studies provide a useful scholarly foundation for examining the gap between statutory protection and its practical implementation. However, their findings should not be treated as direct empirical evidence that maintenance claims against married daughters produce unequal outcomes.

The BNSS provides a separate mechanism for enforcement. Section 147 authorises the enforcement of a maintenance order by a Magistrate in a place where the person against whom the order has been made may be found, subject to the statutory requirements.[13] Nevertheless, the existence of an enforcement provision does not automatically ensure timely compliance. Delays in proceedings, difficulties in recovering unpaid amounts and the financial circumstances of the parties may affect the practical value of an order. HAMA proceedings, meanwhile, follow the applicable civil procedure and may involve a different route from the summary remedy available under the BNSS. These differences support the need for a coordinated approach that preserves access to appropriate remedies while reducing unnecessary duplication and delay.

Legislative reform should therefore address three principal concerns. First, the relationship between the available remedies should be clarified, including the disclosure and consideration of existing maintenance proceedings and orders, and safeguards against duplicate recovery. Secondly, clearer principles should guide the assessment and apportionment of liability among children, taking account of their respective means and relevant circumstances. Thirdly, maintenance awards and enforcement mechanisms should be sufficiently effective to secure reasonable support for parents within a meaningful period. These measures should protect the legitimate interests of parents without imposing disproportionate burdens on individual children.

Ultimately, the central issue is not whether daughters are legally responsible for maintaining their parents, but whether that responsibility is determined and enforced through clear, consistent and equitable principles. The decision in ***V.M. Arbat*** establishes that a married

[35] Anuleena Bhattacharjee & Sanjit Kumar Chakraborty, *Navigating the Path to Justice: An Empirical Analysis of Access to Justice for the Elderly through Maintenance Tribunals in Kolkata*, 14 Indian J.L. & Just. 341 (2023).
[36] Thomas Gregor Issac et al., Maintenance and Welfare of Parents and Senior Citizens Act 2007: A Critical Appraisal, 43 Indian J. Psychol. Med. S107 (2021).

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daughter cannot claim exemption from parental maintenance obligations merely because she is married, provided the applicable statutory requirements are satisfied. At the same time, liability must be assessed with regard to her actual means and the circumstances of the case. A coherent legal framework should therefore recognise the responsibility of both sons and daughters, coordinate the available statutory remedies, provide fair principles for apportionment and ensure effective enforcement. Such an approach would strengthen the protection of elderly parents while remaining consistent with constitutional equality and the State's wider responsibility for their welfare.

XIII. A BRIEF COMPARISON WITH MUSLIM LAW

Muslim personal law also recognises a duty on children who have means to maintain parents in need, and the classical texts do not exclude daughters. The detailed rules, including how liability is shared among children, differ between schools and sources and should be checked in standard works.[37] Because the BNSS and the Senior Citizens Act apply to persons of all religions, a Muslim parent may also use these secular remedies. The practical remedies are therefore largely uniform across religions even though the personal laws differ, which strengthens the case for a single coordinated framework in place of three separate routes.

XIV. SUGGESTIONS

Six reforms follow from the analysis. First, Parliament should enact a coordination provision stating that a parent may choose a forum, must disclose any other pending claim, and that any amount ordered elsewhere must be taken into account. Second, the law should state that all adult children with means are jointly liable and that the court or tribunal may divide the burden according to each child’s means. Third, courts should assess a daughter’s own income and property and not assume her means from her husband’s income; if children-in-law are brought within the Senior Citizens Act, the law should also say how the duties of the two spouses towards their parents are to be balanced.

Fourth, Maintenance Tribunals and Magistrates should be supported with time-bound disposal and effective execution of orders. Fifth, any ceiling on the allowance should be reviewed so that orders reflect the real cost of living. Sixth, families should be encouraged to try mediation before litigation, which can protect relationships and reduce the burden on courts.

[37] D.F. Mulla, Principles of Mahomedan Law (22d ed. 2016); Asaf A.A. Fyzee, Outlines of Muhammadan Law (5th ed. 2009).

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XVI. CONCLUSION

Indian law is clear on the main point: a daughter, married or unmarried, who has sufficient means is bound to maintain parents who cannot maintain themselves. *Vijaya Manohar Arbat* settled the position under the criminal procedure law, and HAMA and the Senior Citizens Act reach the same result through gender-neutral language.

The difficulty lies elsewhere. The three laws operate in parallel with no clear link between them, say little about how the burden is shared among children, and leave open how a married daughter's circumstances should be assessed. The law is equal in theory but uncertain in practice, which can be unfair both to parents who need quick relief and to daughters who face overlapping claims.

The hypothesis is therefore supported: formal equality has been achieved, but coordination, apportionment, the assessment of means and enforcement remain unresolved. A short coordination provision, guidance on sharing liability and stronger enforcement would make the law fairer and easier to apply, and would respect both the dignity of ageing parents and the equal status of daughters.