

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to provide for the protection of parents

WHEREAS it is expedient to provide for the protection of parents from being expelled or evicted from houses, to provide for offences and punishments in this regard and for matters ancillary thereto;

it is hereby enacted as follows: -

1. Short title and commencement. -(1) This Act may be called the Protection of Parents Act, 2021.

(2) It shall come into force at once.

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context:-

(a) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(b) "Court of Sessions" means the court of Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, as the case may be;

(c) "child" means a direct descendant, over the age of eighteen years and includes any offspring of any age of such descendant;

(d) "house" means space or accommodation occupied for residential purposes and includes a bungalow or a flat; and

(e) "parent" means a mother or a father or a grandmother or a grandfather.

3. Punishment for eviction of parents. - Where a child, his spouse or offspring, evicts or expels a parent from a house, whether owned or rented by such child, or in his possession by any other means, he shall be punished with rigorous imprisonment for a term not exceeding one year or with fine or with both.

4. Parents' right to evict children etc.— (1) Subject to the provisions of this section, a parent shall have the right to evict a child, his spouse or offspring, from a house owned or rented by such parent or in his possession by any other means.

(2) If any child, his spouse or offspring, fails to vacate the house, upon the expiry of seven days of service of a written notice of eviction from the parent, they shall be guilty of an offence punishable with simple imprisonment for a term which may

extend to thirty days or with fine which may extend to fifty thousand rupees or with both.

(3) A notice under sub-section (2) required to be served on a child, his spouse or offspring, as the case may be, for the purposes of this Act, shall be treated as properly served on such child, his spouse or offspring, if –

- (a) personally served on the child, his spouse or offspring, as the case may be;
- (b) sent by registered post or courier service to the child, his spouse or offspring at their residential address;
- (c) served on the child, his spouse or offspring in the manner prescribed for service of summons under the Code of Civil Procedure, 1908 (Act V of 1908); or
- (d) served on the child, his spouse or offspring electronically.

Explanation.—

It is clarified that in case the spouse or the offspring of the child are below the age of eighteen years, service to the child shall be construed as deemed service to the spouse or the offspring, as the case may be.

(4) Notwithstanding the commission of an offence under sub-section (2), where a child, his spouse or offspring, fails to vacate a house owned by his parent within the notice period specified in sub-section (2), such parent may file a written complaint to the Deputy Commissioner of the District in which the house is situated.

(5) Upon receipt of a complaint under sub-section (4), the Deputy Commissioner shall, after providing the parties an opportunity of being heard, order vacation of the house by the child, if he is satisfied that the ownership thereof vests in the parent in the official record irrespective of any defence put up by the child, including the defences that the house was constructed or purchased through the funds of the child, his spouse or offspring or anyone else, or that anyone including the child, his spouse or offspring have acquired or purchased the house from the parent:

Provided that before issuance of a notice to the child, the Deputy Commissioner, where he deems expedient, may initiate a process of mediation between parties with the aid of the Chairman or Administrator, as the case may be, of the concerned Union Council.

Provided further that the mediation shall stand closed if it is not concluded within 15 days from the date of complaint.

Provided further that the 15 days period may be extended for such period as may be offered by the Complainant in writing.

(6) The decision under sub-section (5) shall be made by the Deputy Commissioner, preferably within seven days of the filing of the complaint, but in no case later than fourteen days.

(7) The Deputy Commissioner may, if he deems necessary, direct the officer-in-charge of a police station or any other law enforcement agency for such assistance as may be required for the purpose of implementing the order passed under this section.

Explanation.— The provisions of this section shall apply, if the house is-

- (i) solely owned by a parent who seeks eviction of the child, his spouse or offspring; or
- (ii) co-owned by both the parents, provided both the parents sign the notice under sub-section (2).

5. Powers of police to arrest. — Upon receiving information from a parent, the police may arrest without arrest warrant any person responsible for committing an offence under this Act.

6. Trial.— When the person arrested under the last preceding section appears or is brought before the magistrate, he shall be tried in accordance with the procedure prescribed for the trial under Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898).

7. Appeal.— Any person aggrieved by an order under:-

- (i) sub-section (5) of section 2 may file an appeal to the Court of Sessions within thirty (30) days of such order; or
- (ii) section 3 and sub-section (2) of section 4, may file an appeal in such manner as is provided in the Code.

8. Provisions of the Code to apply. — Save as otherwise provided under this Act, the provisions of the Code shall *mutatis mutandis* apply to the proceedings under this Act.

STATEMENT OF OBJECTS AND REASONS

Islam commands us to honor our parents, to obey them, to respect their opinion, and be kind to them. Kindness to parents is mentioned in the Holy Quran with the most important aspect of Islam that is worshipping Allah alone. Allah Almighty says in a verse: "Your Lord has decreed that you worship none but Him and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honor." (Quran, 17:23) Allah Almighty says in another verse in the Holy Quran: "Worship Allah and join none with Him in worship, and do good to parents" (Quran, 4:36). Our Beloved Prophet Muhammad peace be upon Him reinforced the duty to be kind to parents. Once a companion of Prophet Muhammad peace be upon Him asked him as to which of the many good deeds a man can do which is loved the most by Almighty Allah; the Prophet Muhammad (PBUH) answered him by saying, "to be good and dutiful to your parents..." (Bukhari). Hence, it is ingrained in the teachings of Islam that a child is obligated to care for and be dutiful to parents, obey them and treat them with kindness. However, there have been unfortunate instances where parents are abused or abandoned or expelled from their houses by their own children. Therefore, there is a dire need to bring legislation to ensure that parents should not be evicted or expelled from the houses owned by their children and in case the ownership is with the parents they must be able to evict the disobeying and abusive children from the houses without recourse to a court of law. Accordingly, the Protection of Parents Bill, 2021 has been designed to achieve the aforesaid objective.

Minister-in-Charge