

Let Them Dutifully Maintain Their Parents: An Overview of the Reciprocal Rights of a Parent to be Maintained by Their Offspring Under Sri Lankan Legal System

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When the word “Maintenance” is mentioned, many people think of women claiming maintenance for minor children, or women claiming maintenance from their ex-husbands. However almost all the legal systems have accepted that the parents too ought to be maintained by their adult offspring. This has been a long followed practice within the Sri Lankan communities. However mere practices due to filial affection will not affirmatively address the emerging issues on parental maintenance. Thus, to have uniformity within the subject matter, it is important to be incorporated as a substantive law. Hence the yearning for a set of black lettered rules and doubling of aged population within next two decades motivated the researcher to focus on this area of research. The research has been carried out by way of a descriptive analysis of secondary data. The paper will analyse the prevailing legal regime on Law of Maintenance in light of the Maintenance Act of 1999; which has a general application and in light of the Protection of the Rights of Elders Act of 2000; which specifically deals with the maintenance rights of elderly parents. Finding to this study reveals that, though the existing legal regime fails to address the issues affirmatively there is an established Jurisprudential background on imposing such duty. Indeed, the duty can be incorporated by way of a long followed customary practice or as a principle of RDL. This study concludes by recommending for an amendment to the Maintenance Act in a way which it extends the duty to support upon adult offspring. Meanwhile suggests that the term “maintenance” to be interpreted as to include both mental and moral support.

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