

A Study on Impact of Cancellation of Maintenance of Aged Parents in Tamil Nadu

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Abstract: *In India, there are some circumstances under which maintenance payments for elderly parents may be cancelled. An important piece of law that deals with the maintenance and welfare of old parents in India is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It does not, however, detail any explicit measures for maintenance cancellation. According to the Act, adult children or relatives are required by law to support ageing parents or other senior individuals who are unable to care for themselves. The support Tribunals set up at the district level allow parents or senior persons to request support from their children or relatives. The maintenance support could, however, be cancelled or stopped under some circumstances. The main objective of the study is To know the impacts of cancellation of maintenance of old aged parents. The research method pursued here is empirical research. A total of 210 samples were collected, all of which were collected by practical sampling methods. Elderly parents may experience significant financial stress as a result of the discontinuation of maintenance. Their fundamental requirements, such as shelter, healthcare, and living expenses, could be difficult to meet. Relationships between elderly parents and their adult children or relatives may be strained if maintenance is terminated. It might cause mental distress, difficult communication, and a breakdown in family dynamics. In Tamil Nadu, the termination of maintenance can have serious negative impacts on the health of elderly parents. Financial hardship, restricted access to healthcare, increased stress, and possibly social isolation are all possible outcomes. These elements may have a detrimental effect on their general quality of life.*

Keywords: Maintenance, Aged parents, Cancellation, Financial burden, Healthcare expenses

I. INTRODUCTION

In Tamil Nadu, the term "maintenance of aged parents" refers to the material and emotional care that adult children or other family members give to elderly people. Children taking care of their aged parents is a cultural and sociological standard in several regions of India, including Tamil Nadu. The idea of caring for elderly parents is based on traditional principles of filial piety, respect for the elderly, and the notion that children have a duty to take care of their parents in their latter years. It is regarded as a moral obligation and a means of showing gratitude for the parental love and care that one got as a child. The maintenance of elderly parents, however, may occasionally be cancelled or stopped. The termination of maintenance payments for elderly parents may be caused by a number of causes.

According to Section 127 of the CrPC, the court has the power to modify a maintenance order as needed after receiving an application for its revision, modification, or cancellation and hearing from both parties involved. A maintenance order may be revoked, modified, or revised by the court in response to a change in circumstances or for any other good cause that can be proven. In India, there is particular legislation covering maintenance and support for elderly parents, known as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In accordance with Section 125 of the Code of Criminal Procedure (CrPC), 1973, parents are also entitled to support together with their spouses and minor children. The support rights of the mother and father are particularly provided for under CrPC Section 125 (1) (d). The Maintenance and Welfare of Parents and Senior Citizens Act of 2007 is another piece of law. It notably addresses all issues pertaining to the upkeep and welfare of parents through financial assistance as well as the creation of old age homes for elderly people without children or parents who have been abandoned.

The main effect of cancellation is the worsening of the financial difficulties experienced by the elderly parents. Due to a lack of financial support, they could struggle to meet their fundamental needs, such as those for food, shelter, medical care, and medication. It can force elderly parents into poverty and increase their susceptibility to social and economic difficulties. They can struggle to maintain a respectable quality of living and wind up depending on meagre government aid or charitable donations.

Making people aware of the needs and rights of ageing parents is becoming more and more important. NGOs, advocacy groups, and community organisations are trying to increase understanding, encourage dialogues about social responsibility, and promote social responsibility among the general public. Governmental initiatives, community projects, and non-governmental groups can all be very important in providing older parents with alternate support networks. Programmes for social welfare, nursing facilities for the elderly, community centres, and initiatives to enhance the health and quality of life of elderly parents are a few examples of these support systems.

Norway is frequently praised for its extensive system of social welfare and high-quality eldercare services. To support the maintenance and well-being of old parents, the nation offers large pensions, healthcare benefits, and financial aid. Even though India has various social welfare initiatives and legal protections for caring for ageing parents, the extent of maintenance assistance and ease of access to services might vary greatly. Norway offers an elderly population a relatively high level of maintenance care when compared to India. Norway prioritises the welfare of its older people and has a robust social assistance system.

1.1 OBJECTIVES

- To Investigate the reasons and circumstances leading to the cancellation of maintenance support for aged parents in Tamil Nadu.
- To examine the living conditions and quality of life of aged parents affected by the cancellation of maintenance support.
- To analyse the social and familial relationships of aged parents and the impact of the cancellation of maintenance support on these relationships
- To find the psychological and emotional well-being of aged parents after the cancellation of maintenance support.
- To know the impacts of cancellation of maintenance of old aged parents.

II. LITERATURE REVIEW

Sarabjit Kaur Sran (2012) (*Indian Science Abstracts* 2012) His study examined the effects of the "Maintenance and Welfare of Parents and Senior Citizens Act" on persons of various ages as well as knowledge, perception, Indian values, and these factors. In India, family members have always taken care of the elderly. It was regarded as being an essential component of the core social and cultural ideals embodied by the Indian value system.

Stephanie Charlesworth (1990) (Charlesworth, Neville Turner, and Foreman 1990) He examined a contentious environment, the Supporting Parents Benefit was launched in 1973. For the first time, it offered assistance from the Australian government to select low-income groups of mothers with dependent children. This study aims to evaluate the effects of long-term income maintenance on these previously unassisted mothers.

Khiun (2012) (Khiun 2012) She has studied the living conditions of senior citizens and how crime is done against them. She has covered the murder of 70-year-old Shrada Kasabkar in her flat in Santa Cruz in her piece. She also mentioned the Maintenance of Parents and Senior Citizens Act in her article, which states that every district sub-division must establish a tribunal to hear complaints from senior citizens, particularly those who lack proper food, clothing, and shelter. The Act also stipulates a quick decision period of 90 days for these cases.

Shanmuga Sundaram (2014) (Sundaram, Kanniyar, and Bijarnia 2014) The author analysed the significant rise in the population of senior people, and she asserted that adequate legislation for parent maintenance must be implemented immediately given this population's rising numbers. She claimed that while a woman may care for ten kids, ten kids cannot care for a single mother.

P. K. Kuruvilla (2010) (Kuruvilla et al. 2022) He has discussed the problem of the aged people. According to him 60+ populations is increasing day by day and the dependency of the old age people is also increasing. The next topic

covered by the author is History in which he has mentioned Directive Principles of the Constitution and Section 20 of the Hindu Adoption and Maintenance Act, 1956 and the same clauses which cover Muslim Law. He has discussed Section 125 of the Cr.PC and the vast time taken in deciding the cases under this Act has been mentioned.

S. N. Agarwal (2010) (Agarwal 2010) She analysed It is widely understood that providing food, clothing, and other essentials for one's spouse, kids, and elderly parents constitutes maintenance. The sum depends on the parties' financial situation, status, and other factors. The law of maintenance, which is dispersed under numerous personal laws and enactments including the Code of Criminal Procedure 1973, Hindu Marriage Act 1955, and Hindu Adoption and Maintenance Act 1956, has been elegantly examined and analysed in this book.

Mishra and pathak (2012) (Mishra and Pathak 2012) He examined the idea of the right to maintenance, which was common in the archaic and banal past but underwent significant changes in the wake of modern civilization due to the continuous deterioration in the performance standards between male and female partners, such as husband and wife. The claims for maintenance have significantly increased due to their growing harmony.

P. K. Kuruvilla (2010) (Kuruvilla et al. 2022) The author examined the financial instabilities that senior people have experienced in the introduction, and he emphasised the significance of the current Act, the Maintenance and Welfare of Parents and Senior Citizens Act of 2007 and also talked on the issue of the elderly.

Khiun (2012) (Khiun 2012) He conducted an analysis on the significance of maintenance and The book also discusses maintenance under the Hindu Marriage Act 1955, maintenance under the Hindu Adoption and Maintenance Act 1956, maintenance under the Code of Criminal Procedure 1973, the Family Courts Act 1984, and the Muslim Women (Protection of Rights on Divorce) Act 1986, all of which were enacted prior to the adoption of Hindu law.

Akbar, Tiwari et al (2014) (Akbar 2018) He carried out a preliminary investigation into the causes of older people residing in nursing homes. It is clear that most old age homes (OAHs) are entirely populated by residents. The primary goal was to investigate what causes elderly people to live in nursing facilities. The sample size was 174 senior citizens from 14 different OHs in Uttar Pradesh, and it was discovered that 29.85% of them had misbehaved towards their son and daughter-in-law. The most frequent causes for staying in an old age home were discovered to be the misbehaviour of the son and daughter-in-law.

Naden (2011) (Naden 2011) He analysed over the past 20 years, both the number and the percentage of old age homes in India have steadily increased. With more than 420 old age homes as of 2006, Kerala State topped the rest of the nation, followed by Tamil Nadu and Maharashtra. Kerala is home to one of every 12 old age homes in India.

Dubey, Bhasin, Gupta, and Sharma (2012) (Dubey et al. 2012) The study was undertaken to explore the feelings of the elderly living in the old age homes and within the family setup in Jammu. The author analysed the elderly living in old age homes and within the family setup in Jammu. The technique of purposeful sampling was adopted. Thirty ladies over the age of 60 were chosen from old age homes, and a similar number were chosen from families.

Sita Ram Singh (2010) (k. singh 2010) According to his analysis, parents who give their children the finest possible upbringing anticipate receiving reciprocation from their offspring, particularly sons, in their senior years. In certain circumstances, the children neglect their elderly parents, and those who can afford it choose to live in old age facilities. These cases are reported in the newspapers.

Richard Palmer (2012) (Palmer 2012) The comprehensive guide by the author emphasises the significance of proper maintenance planning and scheduling in streamlining operations and boosting productivity while also aiming to give readers a deep understanding of the principles and methods required to effectively plan and schedule maintenance activities. It emphasises the value of preventative maintenance procedures and provides helpful guidance on how to put them into practice in a methodical and effective way.

Seiichi Nakajima (1984) (Nakajima 1988) The author discusses the significance of planned maintenance activities, such as preventive and predictive maintenance. It provides guidance on developing maintenance schedules, optimising spare parts inventory, and implementing effective maintenance planning and scheduling practices.

Lindley R. Higgins and R. Keith Mobley (2002) (Keith Mobley 2002) The authors have analysed the organisational aspects of maintenance engineering. It discusses maintenance management systems, work order systems, maintenance planning and scheduling, and the role of computerised maintenance management systems.

Tristan Boutros and Tim Purdie (2012) (Boutros and Purdie 2013) They examined Six Sigma concepts, which put an emphasis on lowering process variance and raising quality. It describes the DMAIC technique (Define, Measure,

Analyse, Improve, Control) and offers examples of how it can be used to address maintenance issues and accomplish process improvement.

Albert C. Todd (2004) (Todd 2004) The author analyses how to provide enough protection and safeguard of rights and fair level of maintenance, emphasising the need of maintaining accurate and thorough paperwork to verify compliance with regulatory standards.

Ashwani Kumar Dwivedi (2016) (Kumar et al. 2016) The author has analysed the imposition of liability on a person who happens to be a relative of the senior citizen on the ground that he will inherit the property of the senior citizen does not seem justified as what if there is no property to inherit. The Act's provision mandating that the government provide beds for senior citizens and that these hospitals be run by a medical professional with experience in geriatric care has been deemed merely cosmetic. In India, there are very few hospitals with geriatric care and medical specialists.

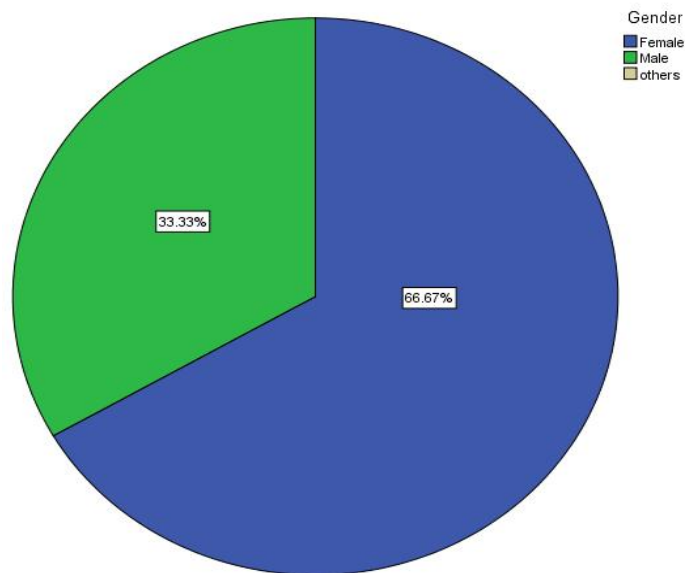
Paras Diwan (2016) (Diwan and Diwan 2016) The author discusses the HAMA legislation, which states that it is a person's pious obligation to provide for their wife, children, and infants. A personal obligation resulting from the parent-child connection is the responsibility to care for elderly or infirm parents. The definition of "parent" in Section 20 of the HAMA includes a stepmother who is childless. Throughout one's lifetime, one has a responsibility to care for their elderly parents.

III. METHODOLOGY

The research method followed here is empirical research. A total of 210 samples have been collected out of which all samples have been collected through random sampling method. The sample frame taken from people in and around Chennai. The independent variables are age, gender, education, occupation and income. The statistical tools used here are pie chart, graphical representation and chi square.

IV. SPSS AND DATA ANALYSIS

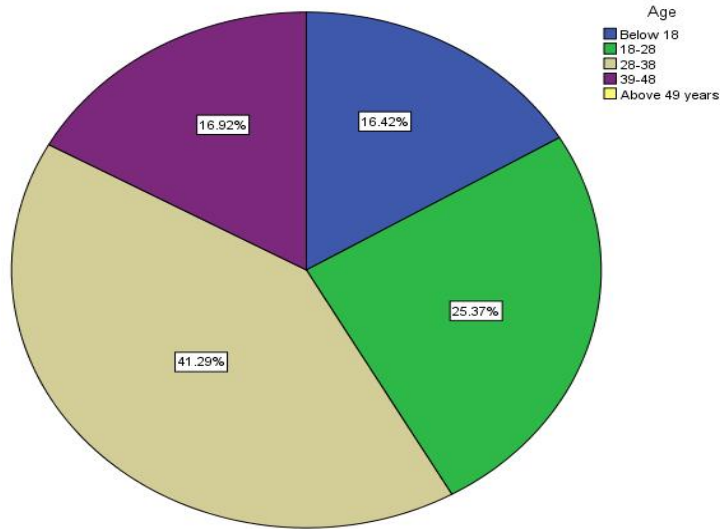
FIGURE 1



LEGEND:

Figure 1 shows the gender distribution of the respondents.

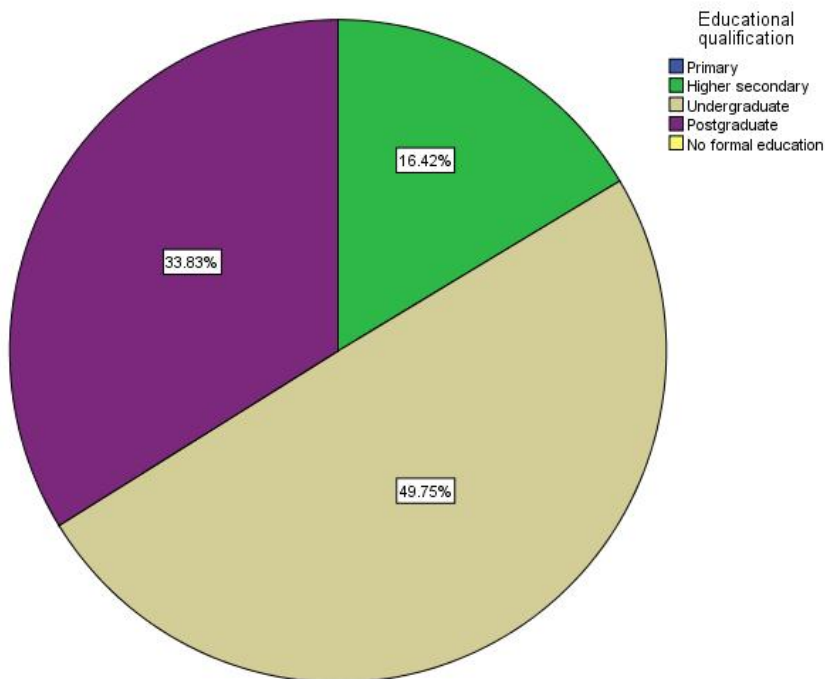
FIGURE 2



LEGEND:

Figure 2 shows the age distribution of the respondents.

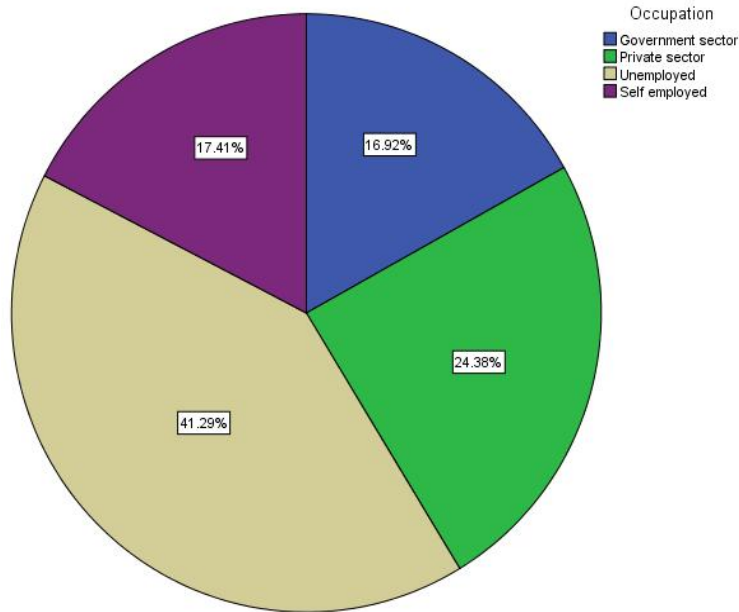
FIGURE 3



LEGEND:

Figure 3 shows the distribution based on educational qualifications of the respondents.

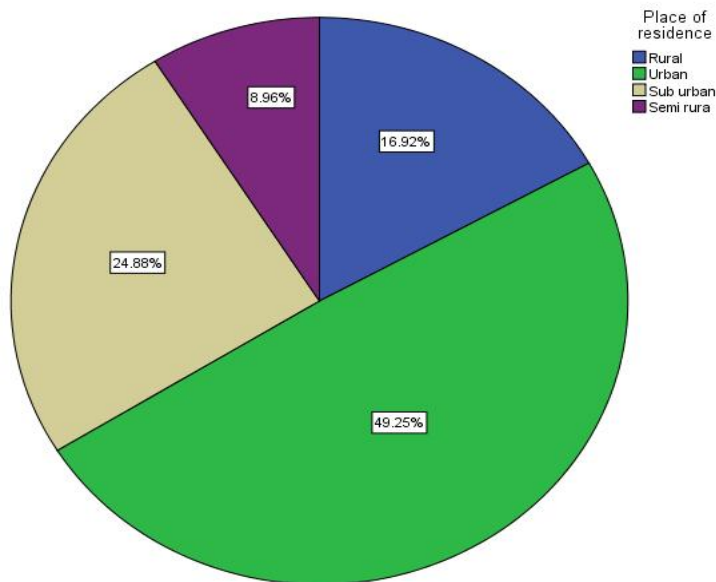
FIGURE 4



LEGEND:

Figure 4 shows the distribution based on occupation of the respondents.

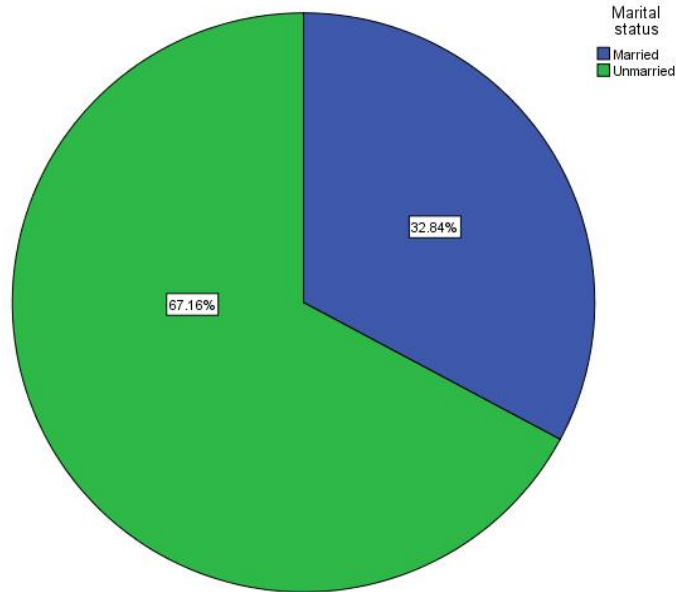
FIGURE 5



LEGEND:

Figure 5 shows the distribution based on the place of residence of the respondents.

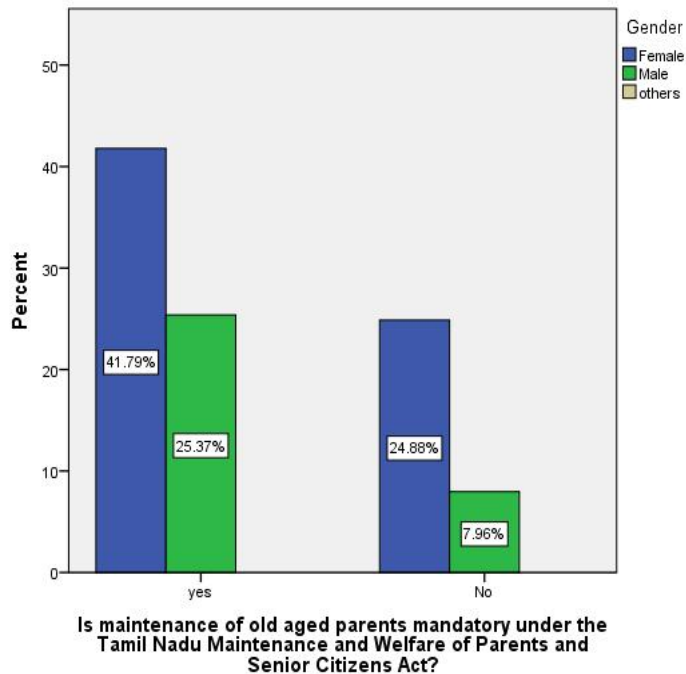
FIGURE 6



LEGEND:

Figure 6 shows the distribution based on marital status of the respondents.

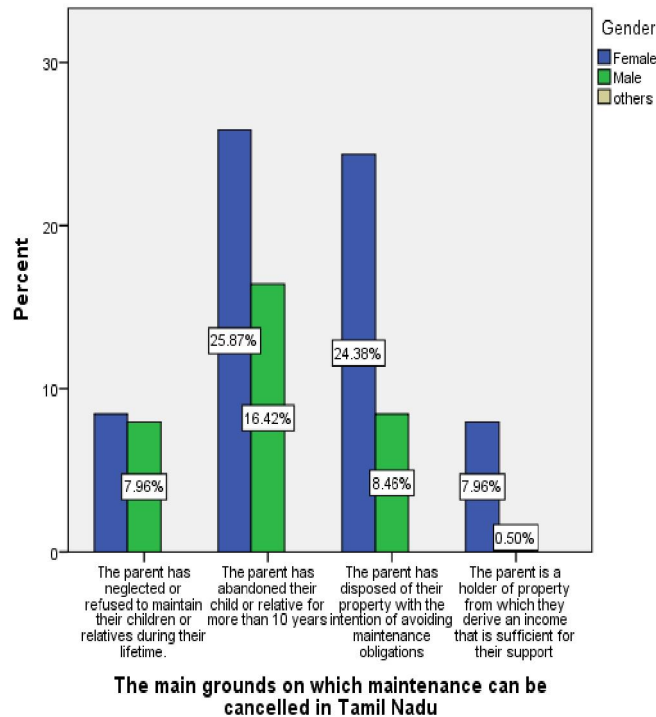
FIGURE 7



LEGEND:

Figure 7 shows the gender distribution of the sample population and their opinion on is maintenance of old age parents mandatory under Tamilnadu maintenance and welfare of senior citizen Act.

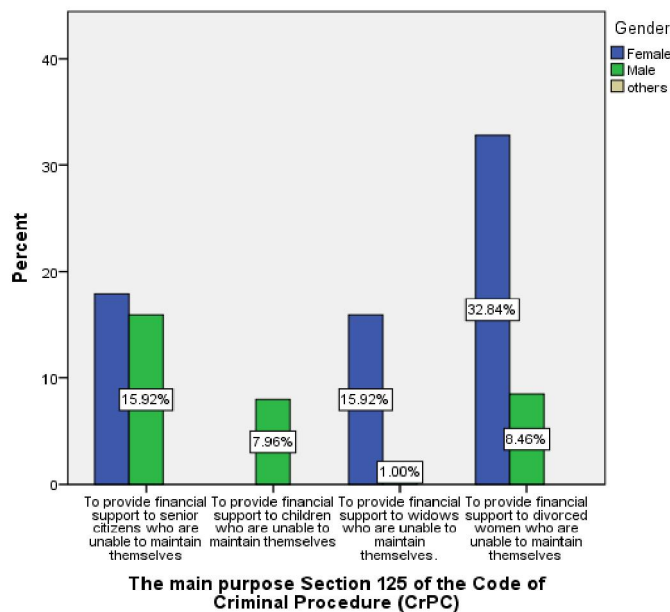
FIGURE 8



LEGEND:

Figure 8 shows the gender distribution of the sample population and their opinion on the main grounds on which maintenance can be cancelled in Tamilnadu.

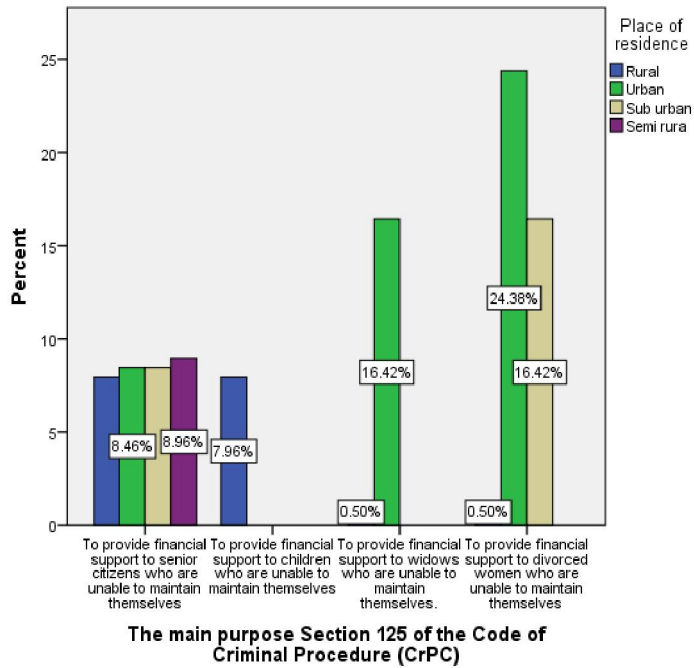
FIGURE 9



LEGEND:

Figure 9 shows the gender distribution of the sample population and their opinion on the main purpose section 125 of the code of criminal procedure (CRPC).

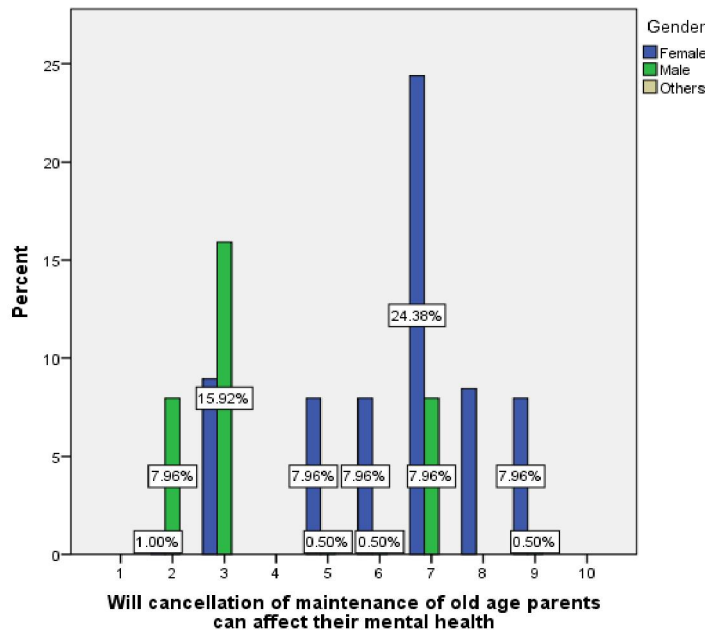
FIGURE 10



LEGEND:

Figure 10 shows the place of residence distribution of the sample population and their opinion on the main purpose of section 125 of the code of criminal procedure (CRPC)

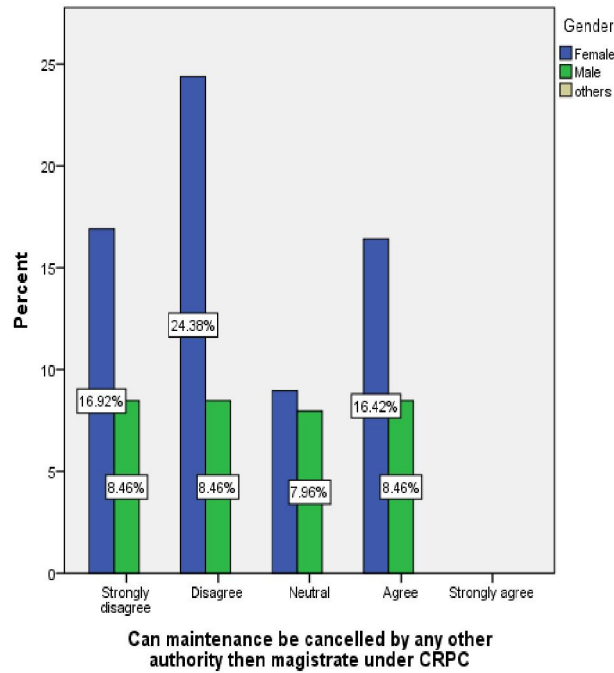
FIGURE 11



LEGEND:

Figure 11 shows the gender distribution of the sample population and their opinion on cancellation of maintenance of old age parents can affect their mental health.

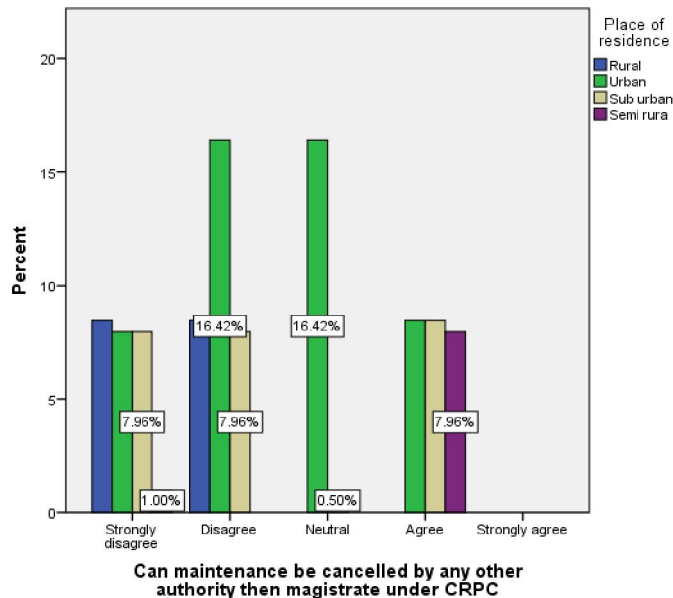
FIGURE 12



LEGEND:

Figure 12 shows the gender distribution of the sample population and their opinion on can maintenance be cancelled by any other authority than magistrate under CRPC.

FIGURE 13



LEGEND:

Figure 13 shows the place of residence distribution of the sample population and their opinion on can maintenance be cancelled by any other authority than the magistrate under CRPC.

V. RESULT

Figure 1 shows the frequency of the independent variable gender of the respondents which includes 66.67% of the female respondents and 33.33% of male respondents. **Figure 2** show the frequency of independent variable age of the respondent which includes 16.42% of the respondents who are below 18 years old, 25.37% of the respondents who are in the age group of 18 to 28 and 41.29% of the respondent who are in the age group of 28 to 38. **Figure 3** shows the frequency of independent variable education qualification of the respondents which include 16.42% of the higher secondary respondent, 49.75% of the undergraduate respondent and 33.89% of the postgraduate respondents. **Figure 4** shows the frequency of independent variable occupation of the respondent which includes 16.92% of the respondents are in the government sector, 24.38% of the respondents who are in private sector 41.29% of the respondent who are unemployed and 17.41% of the respondent who are self employed. **Figure 5** shows the frequency of independent variable place of residence of the respondent which includes 16.92% of the respondent who lives in rural areas, 49.25% of the respondent who live in urban areas and 24.88% of the respondent who lives in suburban areas. **Figure 6** shows the frequency of independent variables of marital status of the respondents which includes 32.84% of the respondents are married and 67.16% of the respondents are unmarried. **Figure 7** shows the frequency of the independent variable gender of the respondents which includes a maximum of 41.79% of the female respondents and a maximum of 25.37% of the male respondents have chosen that yes that maintenance of old age parents mandatory under Tamilnadu maintenance and welfare of parents and senior citizen Act. **Figure 8** shows the frequency of the independent variable gender of the respondents which includes a maximum of 25.87% of the female respondents and a maximum of 16.42% of the male respondents who have chosen that the parents have abandoned their child or relative for more than 10 years. **Figure 9** shows the frequency of the independent variable gender of the respondents which includes a maximum of 32.85% of the female respondents have fusion that to provide financial support to divorce women who are unable to maintain themselves and a maximum of 15.92% of the male respondents have chosen that to provide financial support to senior citizen who are unable to maintain themselves. **Figure 10** shows the frequency of the independent variable place of residence a maximum of 8.46% of rural and maximum half 4.86% of the semi rural respondent have chosen to provide financial support to senior citizen who are unable to maintain themselves a maximum of 24.38 percentage of the urban respondent and maximum of 16.42 percentage of the sub admin respondent have chosen to prove provide financial support to divorce women who are unable to maintain themselves. **Figure 11** shows the frequency of the independent variable gender of the respondents which includes a maximum of 24.38% of the female respondents who have chosen 7 as their rating and a maximum of 15.92% of the male respondents who have chosen 3 as their rating. **Figure 12** shows the frequency of the independent variable gender of the respondents which includes a maximum of 24.38% of the female respondents and a maximum of 8.46% of the male respondents have disagree with the statement. **Figure 13** shows the frequency of the independent variable place of residence of the respondent which includes are maximum of 7.96% of the rural respondent strongly disagreed to the statement, the maximum of 16.42% of the urban respondent have this aggrade to the statement, the maximum of 7.69% of the sub urban respond in strongly agree to the statement and maximum of 7.96% of the semi ruler respondent and agree to the statement.

VI. DISCUSSION

In **figure 7** it can be seen that maximum respondents had given yes so the people may have maintenance of old age parents is considered to be mandatory registration was enacted to provide support and protection to senior citizens and ensure their well-being. In **figure 8** it can be seen that the maximum respondents had given that parents abandoned their children are relatives for more than 10 years. This shows that the people knew that the Act recognizes that maintenance obligations are based on the principle of reciprocal support and care between family members. If it is established that the parents or senior citizens have willfully abandoned their children or relatives and have not fulfilled their responsibilities towards them, the Maintenance Tribunal may consider cancelling or modifying the maintenance order. In **figure 9** it can be seen that the maximum respondents had given to provide financial support to divorced women who are unable to maintain themselves. This shows that the respondents haven't fully aware of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2014 which mandates that adult children have a legal obligation to provide maintenance and support to their parents and senior citizens who are unable to support themselves financially.

In **figure 10** it can be seen that the maximum respondents had given to provide financial support to divorced women who are unable to maintain themselves. This shows that the respondents haven't fully aware that the Maintenance Tribunal assesses the financial needs of the senior citizen and the capacity of the children or relatives to provide maintenance. Based on the assessment, the Tribunal can order the children or relatives to pay a monthly maintenance amount to support the senior citizen under Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2014. In **figure 11** it can be seen that the maximum respondents had given 7 has their rating. This shows they think that the Old age individuals may feel a loss of trust in their family members or the system that was supposed to provide them with support. This loss of trust and the resulting feelings of isolation and loneliness can contribute to depression, anxiety, and other mental health issues. In **figure 12** it can be seen that the maximum respondents have disagreed with the statement. This shows they weren't aware that maintenance can be cancelled under section 127 of criminal procedure code(crpc) which gives power to the magistrate to cancel maintenance based on grounds established by law. In **figure 13** it can be seen that the maximum respondents have disagreed with the statement. It shows that they weren't aware about Section 127 of the CrPC, which states that the court has the power to modify a maintenance order as needed after receiving an application for its revision, modification, or cancellation and hearing from both parties involved. A maintenance order may be revoked, modified, or revised by the court in response to a change in circumstances or for any other good cause that can be proven.

VII. LIMITATION

For this research consequences faced as many of them cannot spend time to fill the survey. So some of them only respond to the survey while others just ignore it. The survey is done by the students and the surrounding circle within the particular area in Chennai. The samples collected for this research nearly 210 which will not amount to the opinion or the perspective of the population in the city, state or the nation. The study may only cover a portion of the difficulties witnesses may encounter during court proceedings and may not be able to address all potential difficulties. Conducting a comprehensive study requires sufficient time and resources. The ability to conduct a thorough analysis or follow the long-term effects of the cancellation of maintenance for elderly parents may be constrained by time and resource constraints.

VIII. SUGGESTIONS

Caring for ageing parents requires careful consideration and planning. Maintain open and honest communication with your ageing parents. Discuss their needs, concerns, and preferences regarding their care and living arrangements. Actively listen to their wishes and involve them in decision-making processes as much as possible. Conduct a thorough assessment of your parents' physical, emotional, and financial needs. This evaluation will help you understand their specific requirements and tailor the care accordingly. Consider factors such as medical conditions, mobility, social interactions, and daily living activities. Ensure that your parents have a safe and comfortable living environment. Make necessary modifications to their home to accommodate their physical limitations, such as installing handrails, ramps, and adequate lighting. Consider their emotional well-being and create a warm and nurturing atmosphere.

IX. CONCLUSION

The responsibility to care for and support one's parents is one that both sons and daughters have under the law and morally. Parents might knock on the doors of Maintenance Tribunals to obtain their monthly expenses from kids if this responsibility is not followed. According to the Act, failure to pay maintenance could result in the children being imprisoned for three months or longer, depending on the situation. Money is not everything, though, as some people find it difficult to maintain their independence as they age and require help with daily tasks. The main objective of the study is To know the impacts of cancellation of maintenance of old aged parents. The social welfare institutions, governmental entities, and NGOs may feel compelled to help and care for these people if a sizable percentage of elderly parents lose their maintenance support. Aged parents may experience emotional and psychological effects if maintenance is terminated. They could experience feelings of abandonment, neglect, or a lack of familial support, which can cause feelings of loneliness, melancholy, and anxiety. Examine the parents' and the family members who are providing for them in-depth in terms of their financial situation. Investigate your possibilities for financial support,

including government welfare programmes, pension plans, and other resources. A reevaluation of family dynamics and interactions between generations may result from the cessation of maintenance. With a focus on preserving familial support structures for the wellbeing of ageing parents, there may be a greater emphasis on encouraging understanding, empathy, and collaboration between parents and their adult offspring.

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