



INDIAN LAWS CONCERNING ELDERLY CITIZENS: AN ANALYSIS OF THE 2007 MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT

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Abstract: The 2007 Act for Senior Citizens' Maintenance and Welfare is a comprehensive legislative framework that offers vital financial, healthcare, and social assistance to senior citizens for further improvement and fostering understanding of compassion and active aging can better assist senior citizens and benefit from supporting and fostering relationships across generations, and knowledge and older individuals remain engaged and valued in society and the act provides a substantial legal framework for comprehensive elderly assistance, challenges necessitate revisions of laws to better cater to this vital population.

Keywords: *senior citizen, elderly care, legislation, senior citizen, financial support, mentoring*

I. INTRODUCTION

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007¹ is an important legal framework developed in India with the main goal of safeguarding the well-being and dignity of aged people. This Act requires financial, healthcare, and social aid for older individuals, with a focus on the obligation of children and heirs to give maintenance support to their elderly parents and grandparents. It also contains provisions to protect the elderly from abuse and neglect, as well as to provide them with essential services like as healthcare, legal help, and counseling. The Act supports the notion of active aging and intends to develop intergenerational connections by creating a more inclusive and supportive social framework for people of all ages. Despite its comprehensive scope, the Act's successful implementation and enforcement encounter several problems, including a lack of public knowledge, limited resources, administrative bottlenecks, and cultural considerations. Recent modifications and court interventions have strengthened senior people's rights and welfare, reaffirming the Act's role in ensuring the well-being and dignity of India's aged population.

Overall, the Maintenance and Welfare of Parents and elderly residents Act of 2007 is critical law for promoting the care and protection of elderly residents, assuring their appropriate position and respect in the society. The Status of Senior Citizens in an Evolving Landscape Examine the legislation that safeguard older people's rights and well-being. This includes learning how to safeguard their lives, provide healthcare, and prevent child abuse and neglect, as well as the government and non-government entities responsible for implementing the Act and Evaluating everyone's duties, responsibilities, and resources².

¹ Khan, M. (2021) An Assessment of the Legal Provisions for the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 in India 4, 34

² Birnbaum, D. (2013) First do no more harm *Clinical Governance: An International Journal* 19, 17-20

I. Evaluate the National Influence Data Compilation

Collect qualitative and quantitative data on the act's effect in various areas. This covers geriatric well-being statistics, NGO and government case studies, and reports. Interviewing and surveying older people to understand their experiences and concerns with the act and personal tales may highlight the law's achievements and areas for improvement.

II. Focusing on Critical Areas for Societal Change

Public awareness campaigns regarding older rights and needs may incorporate media, community, and educational institutions. Mentorship programs encourage mutual respect and understanding to bridge the age difference and promote active aging and social contact.

III. Upholding human dignity and promoting equality

Article 21 of the Indian Constitution, which protects the right to life and dignity, is emphasized to enhance basic rights. ensure that the regulations are compatible with this basic right. encourage the implementation of the United Nations principles for the elderly, with a focus on the right to a dignified existence, security, and freedom from abuse.

IV. Policy Enhancement Recommendations

Regular official training enhances enforcement efficiency, and helplines provide immediate assistance, highlighting the need for increased community-based funding for aged healthcare to effectively implement the Senior Citizens Act. Authorities may need additional financing, training, and oversight. It is essential to offer helplines, legal assistance, and healthcare services tailored to the needs of seniors, irrespective of their age, gender, race, ethnicity, disability, or socioeconomic status.

V. Promotion and ongoing assistance for improvement

Laws should be reinforced, penalties increased, and measures made more effective to safeguard the elderly from abuse and neglect. This could include thoroughly educating those responsible for enforcing the act, enhancing coordination among various authorities, regularly evaluating its impact to identify weaknesses and opportunities for improvement, and gathering data on the well-being of older individuals and the effectiveness of the assistance provided.

VI. Recommendations for Policy Enhancement

Strengthening implementation and developing strong processes to guarantee that the act's provisions are implemented consistently throughout the country involves proper finance, resource distribution, and administrative assistance networks of support services that cater to the diverse needs of elderly citizens.

VII. Promoting Active Aging and Inter-generational Relationships

The act encourages seniors to participate in meaningful activities that improve their physical, mental, and emotional health; intergenerational relationships that foster connections between age groups, which can lead to a more harmonious society; and mutual understanding of senior employees' experience and wisdom to mentor younger generations, which benefits companies by transferring valuable skills and insights. The 2007 Senior Citizens Act offers financial assistance, healthcare, and social services to older persons, therefore safeguarding and enhancing their lives. Furthermore, it analyzes current systems and solicits feedback from senior residents, organizations, parliamentarians, and healthcare professionals to create a culture that values and respects people of all ages, prioritizes the needs of older people, and creates a society that is more welcoming and safer for people of all ages.

Assessing the Existing Legal Framework: The research sought to investigate the current legislative framework safeguarding older persons' rights at the national level.

Evaluating Welfare Promotion: It also attempted to investigate how effective the current legal framework was in promoting the welfare of older persons in India.

Research problem:

The ancient joint family structure in India is increasingly being replaced by nuclear family arrangements, which is leaving a large number of older individuals to fend for themselves. This is brought about by the changing patterns of Indian families. When these elderly people are unable to provide for themselves or when their children are unable to care for them, the responsibility for their well-being will ultimately change from "personal responsibility" to "public obligation," which will force society to shoulder the expense of their care. This legal framework is designed to ensure that older people get enough assistance and protection from their families. This reflects the assumption that children will take care of their parents as they become older. It gives older citizens a legitimate avenue to make a claim. As part of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, children and heirs in India are required to offer financial support to their aged

parents and grandparents. This is done to ensure that these individuals can live a life that is worthy of respect. It also contains provisions and offers a framework for older adults to seek legal remedies if they are ignored or not catered for by members of their family. The Maintenance and Welfare of Parents and Senior Citizens Act has several repercussions, both positive and bad, which are highlighted here.

II. Analysis of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is a significant piece of legislation in India that addresses the needs and rights of senior citizens and following is a detailed analysis of the Act are as follows:

Objectives and Provisions

1. Financial Support:

- The Act mandates that adult children and heirs are legally responsible for providing maintenance to parents and senior citizens who are unable to maintain themselves.
- Maintenance includes provision for food, clothing, residence, and medical attendance and treatment.
- The Act allows for a monthly maintenance amount to be fixed by the Tribunal, with a maximum ceiling of Rs. 10,000.

2. Healthcare:

- The Act ensures access to healthcare services for senior citizens.
- Provisions include free healthcare facilities in government hospitals and the setting up of separate queues for senior citizens.

3. Protection from Abuse and Neglect:

- The Act has provisions to protect senior citizens from abuse and neglect by their children or other relatives.
- It empowers senior citizens to approach the Maintenance Tribunal established under the Act for redressal.

4. Promotion of Active Aging:

- The Act encourages the establishment of senior citizens' homes for those in need.
- It promotes social engagement and active aging through community programs and engagement initiatives.

5. Intergenerational Bonding:

- Emphasis is placed on strengthening intergenerational relationships and ensuring that children respect and care for their elderly parents.

Challenges in Implementation

1. Resource Constraints:

- Effective implementation of the Act requires significant resources, including financial, infrastructural, and human resources, which may be limited in many regions.
- There is a need for more senior citizens' homes and healthcare facilities to meet the growing demand.

2. Awareness and Accessibility:

- Many senior citizens and their families are unaware of the provisions of the Act or how to access the benefits.
- Legal aid and support systems are necessary to help senior citizens navigate the legal processes.

3. Potential for Misuse:

- There is potential for misuse of the Act by either senior citizens or their relatives.
- False claims or undue harassment of children and relatives can occur, necessitating careful and fair adjudication by Tribunals.

Recent Amendments and Judicial Interventions

- Recent amendments have further strengthened the rights of senior citizens, including increasing the maintenance amount and ensuring stricter enforcement of orders.
- The Supreme Court has delivered judgments emphasizing the importance of upholding senior citizens' rights and ensuring timely maintenance payments.
- Judicial interventions have also highlighted the need for a more compassionate and humane approach to dealing with issues of elderly care.

National and International Framework

- The Act aligns with various national policies aimed at protecting senior citizens' rights and welfare.
- It also reflects international commitments, such as the Madrid International Plan of Action on Ageing, which emphasizes the need for social protection and support for the elderly.

Recommendations for Further Reforms

1. Strengthening Infrastructure:

- Improve the availability and quality of senior citizens' homes and healthcare facilities.
- Allocate adequate budgetary resources for the effective implementation of the Act.

2. Enhancing Awareness and Accessibility:

- Conduct widespread awareness campaigns to educate senior citizens and their families about their rights and the provisions of the Act.
- Establish legal aid cells specifically for senior citizens to assist them in accessing justice.

3. Monitoring and Accountability:

- Implement robust monitoring mechanisms to ensure compliance with the Act's provisions.
- Ensure accountability of government officials and service providers in the implementation process.

4. Promoting Community Engagement:

- Foster community-based programs that encourage intergenerational interaction and support active aging.
- Promote mentorship programs where senior citizens can share their knowledge and experience with younger generations.

The Maintenance and Welfare of Parents and elderly Citizens Act of 2007 is an important step in ensuring the welfare and dignity of India's elderly citizens. While it has made tremendous progress in meeting the needs of the aged, effective implementation, resource allocation, and ongoing monitoring are required to overcome current problems. Further changes and upgrades will aid in building a more conducive environment for elderly persons to lead a life of respect and dignity, with the following positive and negative impacts: -

Positive Impacts:

I. Recognizes the responsibility of children to care for their parents the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

In India Recognizes the Responsibility of Children to Care for Their Parents and the act mandates that adult children (and in some cases, legal heirs) are obligated to provide for their elderly parents, ensuring their basic needs and well-being are met.

II. Provisions for old age homes, healthcare services, and protection of life and property The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in India includes several provisions aimed at ensuring the welfare and protection of senior citizens, including:

III. Protection of Life and Property: The Act includes measures to protect the life and property of senior citizens. It ensures that senior citizens are not deprived of their property by fraudulent means or undue influence. Legal provisions are in place to safeguard their interests and prevent exploitation or abuse.

IV. Raises awareness about the rights of senior citizens The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in India is a pivotal piece of legislation designed to protect the rights and well-being of elderly citizens. This Act underscores the significance of providing financial, healthcare, and social assistance to seniors, ensuring they receive the support they need.

V. Emphasizes the importance of caring for one's parents

it is not only a moral and ethical responsibility but also a legal obligation in India. This Act ensures that elderly citizens receive the necessary financial, healthcare, and social assistance they need.

VI. Stresses that caring for parents is fundamental to maintaining strong intergenerational relationships and creating a more inclusive and supportive society for all ages. By providing legal safeguards and promoting reforms, the article advocates for a societal commitment to the well-being and dignity of senior citizens. Additionally, it suggests that mentorship programs and policy enhancements can further support the well-being of elderly parents, emphasizing that their care is a shared responsibility that benefits the entire community.

Negative Impacts:

Implementation issues due to lack of awareness and resources, The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, despite its well-intentioned objectives, faces significant implementation issues primarily due to a lack of awareness and resources.

I. Difficulties in accessing legal recourse for senior citizens can present several challenges

the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 about legal rights, improving access to legal aid, simplifying legal procedures, and ensuring robust enforcement of laws protecting senior citizens and the Potential for abuse or misuse of the is designed to protect and support elderly citizens in India, there are potential areas where the law could be abused or misused:

II. False Claims: Individuals might exploit the law to make false claims against their children or relatives to gain financial benefits or settle personal scores.

III. Coercion and Manipulation: Elderly individuals could be coerced or manipulated by other family members or outsiders to file complaints for personal gain, leading to misuse of legal provisions.

IV. Burden of Proof: The burden of proof often lies with the accused, which can lead to situations where children or relatives are unfairly targeted or accused without substantial evidence.

V. Family Disputes: The law could be used as a tool in family disputes, where one family member leverages it against others to gain an upper hand in inheritance or property matters.

VI. Legal Loopholes: Exploiting legal loopholes or ambiguities in the Act to harass or pressure other family members can occur, especially in cases where the relationship dynamics are already strained.

VII. Resource Allocation: Misuse of resources and funding intended for genuinely needy senior citizens by individuals who do not qualify but manipulate the system to receive benefits.

VIII. Overburdened Legal System: The potential for frivolous or unfounded claims can overburden the legal system, causing delays and obstructing justice for genuinely needy elderly individuals.

It is crucial to ensure robust checks and balances, clear guidelines, and effective monitoring mechanisms. Additionally, awareness programs about the correct usage of the Act and strict penalties for misuse can help prevent potential abuse and Challenges in ensuring effective implementation and Enforcement and ensuring the effective implementation and enforcement of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007³ faces several challenges:

- **Awareness and Accessibility:**

Lack of Awareness: Many senior citizens and their families are not aware of the provisions and benefits of the Act.

Complex Procedures: The legal procedures can be complex and intimidating for elderly citizens, making it difficult for them to seek help.

- **Resource Constraints:**

Insufficient Funding: There is often a lack of adequate funding to support the implementation of various provisions of the Act, such as setting up tribunals and shelters.

Inadequate Infrastructure: Facilities like old age homes and continuous healthcare services are often insufficient or substandard.

- **Administrative Challenges:**

Bureaucratic Hurdles: The involvement of multiple governmental and non-governmental agencies can create delays and inefficiencies.

Training and Sensitization: There is a need for better training and sensitization of officials and caregivers about the needs and rights of senior citizens.

- **Legal and Judicial Issues:**

Enforcement Mechanisms: There are often weak mechanisms for enforcing the orders passed by tribunals under the Act.

Judicial Delays: Legal proceedings can be lengthy, and delays in the judicial process can undermine the timely support that senior citizens need.

- **Policy and Legislative Gaps:**

Need for Reforms: The Act requires ongoing reforms to address emerging challenges and gaps in policy. Ensuring the Act is seamlessly integrated with personal, municipal, and international laws to create a comprehensive protective framework.

³ Issac, T., Ramesh, A., Reddy, S., Sivakumar, P., Kumar, C., Math, S. (2021) Maintenance and Welfare of Parents and Senior Citizens Act 2007: A Critical Appraisal *Indian Journal of Psychological Medicine* 43, S107-S112

• Social Support Systems:

Mentorship Programs: There is a need for more structured mentorship programs to provide emotional and social support to elderly citizens.

Community Engagement: Strengthening community-based support systems can help in better implementation and enforcement of the Act.

III. LEGAL SAFEGUARDS PROVIDED FOR ELDERLY CITIZENS

Constitutional Safeguard⁴: Article 21 of the Indian Constitution guarantees the right to life and personal liberty to all individuals, including senior citizens. This fundamental right is interpreted broadly by the judiciary to include various dimensions of a dignified life. For senior citizens, Article 21 encompasses several aspects relevant to their well-being and protection:

➤ **Right to Live with Dignity:** Senior citizens are entitled to live with dignity, which includes the right to adequate food, clothing, and shelter. Any neglect or abuse that undermines their dignity would be a violation of Article 21.

➤ **Right to Health Care:** Access to timely and adequate health care is a crucial component of the right to life. Senior citizens, often more vulnerable to health issues, require special attention and care

➤ **Freedom from Abuse and Exploitation:** Senior citizens have the right to be free from any form of abuse, whether physical, emotional, or financial. Legal provisions under various laws, including specific penal provisions, safeguard this right.

➤ **Right to Social Security:** The state must provide social security measures for senior citizens. This can include old-age pensions, subsidized healthcare services, and other welfare schemes designed to ensure a secure and dignified life.

➤ **Right to Shelter:** Adequate housing is a significant aspect of the right to life. Senior citizens should have access to safe and suitable housing, whether through family support or state-provided facilities.

➤ **Right to Legal Protection:** Senior citizens should have access to legal remedies and the protection of the law.

This includes the enforcement of maintenance orders under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and other protective legislations. The judiciary in India has reinforced these rights through various judgments, emphasizing that neglect, abandonment, or abuse of senior citizens constitutes a violation of their fundamental rights under Article 21.

Courts have ruled in favor of providing maintenance, ensuring healthcare, and protecting the dignity of senior citizens, thus upholding the spirit of **Article 21** and **Article 41 of the Indian constitution** falls under the Directive Principles of State Policy, which are guidelines for the framing of laws by the government.

Although these principles are not enforceable by any court, they are fundamental in the governance of the country specifically addresses the state's responsibility towards providing social security and assistance to its citizens in cases of unemployment, old age, sickness, and disablement, as well as in other cases of undeserved want. *Article 41 reads:* "The government must, based on its economic capabilities and progress, ensure the availability of work, education, and social support for individuals facing unjustifiable deprivation, aging, illness, disability, and other forms of poverty this article aligns with the objectives of **the Maintenance and Welfare of Parents and Senior Citizens Act, 2007**, as both aim to ensure that senior citizens receive adequate support and care. The Act operationalizes the directive by laying out specific measures for the maintenance and welfare of elderly individuals, thus turning the principles enshrined in Article 41 into actionable law.

Legal Provisions for Maintenance Under Personal Laws:

I. Islamic Law

The highest level of obligation stems from marriage; the second level is when one individual has "means" and the other is "indigent." While it is true that caring for one's children is a personal responsibility, the duty to care for elderly and infirm parents only emerges when one is financially stable and the parents are in need. The obligation to maintain other relationships arises only when one is financially comfortable and the ties are

⁴ Suhariyanto, D. (2022) Protection of Citizens' Constitutional Rights from The Authority of The President In Indonesia *Eduvest - Journal of Universal Studies*

not strong, applying solely to relations beyond the degree of prohibited relationship, and then only in proportion to the share one would inherit from them upon their passing.

II.Christians and Parsis

Christians and Parsis are not obligated by their personal laws to provide support to their parents. According to Section 125 of the Code of Criminal Procedure, 1973, parents must file a complaint with the court to receive support from their children.

III.The Code of Criminal Procedure

Prior to 1973, there was no provision in the code for the maintenance of parents. The Law Commission, however, was against including such a clause. The Cr. P C. was deemed unsuitable for such a provision, as per the research. Allocating the maintenance amount among children in a summary proceeding of this nature would be highly challenging. It is more appropriate to let civil courts handle this matter. Nevertheless, the clause was eventually introduced in 1973 under Section 125 of the Code of Criminal Procedure. Therefore, it is essential for the parent to demonstrate that the other party has sufficient means and has neglected or refused to support them, i.e., the parent who is unable to fend for themselves. It is crucial to note that the Cr.P.C. 1973 is a secular regulation that is applicable to individuals of all religions and backgrounds. Daughters, even if married, are obligated to love and care for their parents. Various forms of relief are provided to the aggrieved individuals as follow:

➤ **Maintenance of Parents and Senior Citizens:** This act mandates that children and heirs are responsible for the care and financial support of their parents or elderly relatives. Failure to adhere to this requirement may lead to legal consequences, with the act outlining a process for senior citizens to seek maintenance through a tribunal.

IV.Indian Succession Act of 1925.⁵

In cases of intestate deaths without direct descendants, the father inherits the property if the deceased has neither a father nor direct descendants, and the mother divides the estate equally among the deceased's siblings and their offspring. If an intestate father passes away without children, the mother becomes the rightful inheritor of his estate.

This law applies to all intestate individuals except Parsis, encompassing the parental estates of Parsis or widowers without descendants, with the estate divided equally between the father and mother.

V.The Pensions Act of 1871

The act covers both union and state pensions the act itself does not define what constitutes a pension, the dictionary defines it as a regular payment that a pensioner may designate someone to receive after their death, with the recipient holding exclusive rights to the pension

VI.The Employee's State Insurance Act of 1948

The recommendations of the Agarkar Commission in 1944, aimed to offer comprehensive health insurance coverage to employees. This statute requires contributions from employers, states, and individuals to cover various eventualities, such as illness, old age, and other contingencies. **Section 46** of the Act specifically outlines the provision of sickness and medical benefits, extending these benefits to the dependents of employees, and the act provides physical assistance devices such as crutches, wheelchairs, dentures, and glasses free of charge. Medical care for the insured individual and their spouse is available at a nominal contribution of Rs. 120 per annum, ensuring affordable healthcare access. These provisions aim to create a safety net for employees, address various health-related and financial concerns, thereby contributing to their overall well-being and security, and follow the below-mentioned laws for the betterment of senior citizens in India.

⁵ Goel, S. (2018) Legal Aspects Concerning the Proving of a 'Will': Section 63 of the Indian Succession Act, 1925 Read with Section 68 of the Indian Evidence Act, 1872

Laws provided as safeguards as per international agreements

- IFA Declaration of Rights and Responsibilities of Older Persons 1990⁶
- IFA Montreal Declaration, 1999⁷
- United Nations Documents on Ageing⁸
- Draft Resolution on a Declaration of Old Age Rights, 1948⁹
- Vienna International Plan of Action on Ageing, 1983
- Madrid International Plan of Action on Ageing, 2002
- United Nations Principles for Older Persons
- Proclamation on Ageing, 1992

Laws provided as safeguards under Indian laws

- The Hindu Adoption and Maintenance Act, 1956
- Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (EPFMPA)
- The Income Tax Act, 1961
- The Payment of Gratuity Act, 1972
- Code of Criminal Procedure, 1973
- Social Security to Senior Citizens Bill, 2010
- The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2017
- The Maintenance and Welfare of Parents and Senior Citizen Draft Bill, 2018

Latest Amendments and Laws Relating to Senior Citizens

Some of the latest amendments for the betterment of social and economic welfare and laws relating to senior citizens and elderly people in India are mentioned below:

- **Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019:**
- **Expansion of Maintenance Definition:** The amendment broadens the definition of 'maintenance' to include the provision of food, clothing, residence, medical attendance, and treatment.
- **Inclusion of Adoptive and Step-Parents:** The amendment includes adoptive and step-parents within the ambit of the Act.
- **Speedy Disposal of Cases:** The bill mandates the disposal of maintenance applications within 90 days and, in exceptional circumstances, within 120 days.
- **Enhanced Punishments:** The amendment proposes more stringent punishments for those who abandon their parents or senior citizens.
- **Increase in Maintenance Amount:** There is a proposal to increase the cap on the monthly maintenance amount from Rs. 10,000 to an amount as determined by the State Government.
- **National Policy for Senior Citizens, 2011:**
Although not an amendment, this policy aims to provide social and financial security to senior citizens and emphasizes the importance of health care and nutrition.
- **Pension Schemes and Financial Support:**
Various state and central government pension schemes have been introduced and enhanced to provide financial support to senior citizens
- **Healthcare Initiatives:**
The government has introduced several healthcare initiatives aimed at providing affordable and accessible medical care to senior citizens. This includes the Ayushman Bharat scheme, which offers health insurance coverage to economically vulnerable families, including senior citizens.
- **Enhanced Legal Aid and Counseling Services:**
The government has strengthened legal aid and counseling services to ensure that senior citizens are aware of their rights and can seek redressal for grievances.
- **Additional Welfare Measures:**
The establishment of more old age homes, daycare centers, and helplines dedicated to the welfare of senior citizens.

⁷ Mulcahy, K., V. (2022) Canadian Cultural Policy in Transition *The Journal of Arts Management, Law, and Society* 52, 213-215
⁸ Herro, A. (2017) The human rights of older persons: the politics and substance of the UN Open-Ended Working Group on Ageing *Australian Journal of Human Rights* 23, 108-90
⁹ Abramo, L. (1948) Organization of American States *International Organization* 2, 546-549

Protections Ensured by National Policies and Schemes for Senior Citizens: India has implemented a multitude of national policies and schemes aimed at safeguarding and assisting senior citizens, and endeavors are crafted to cater to the diverse needs of the elderly, encompassing financial stability, healthcare provisions, social integration, and safeguarding against mistreatment and neglect. These are some of the fundamental protections under national policies and schemes.

IV. PROTECTION OF RIGHTS AND WELFARE OF SENIOR CITIZENS

Prioritizing elder health above working population health is moral and economical. A proactive diversity and inclusion strategy may help the company meet social and ethical duties. Hiring older people may boost career diversity and advantages. Community initiatives to eradicate age discrimination in work may benefit seniors. Honoring elders, building intergenerational alliances, and eliminating gaps helps peacemaking. Diversity and inclusion promote respect, and an age-diverse workforce supports strategic planning by satisfying many generations, giving a longer-term view, assisting succession planning, industry innovation, and new technical ideas. Successful firms combine productivity, cooperation, and fun. Encourage healthy aging and include skilled workers in community activities to retain them. Executive training may help companies adapt to market and technological changes and boost earnings. Experts train new hires for comfort and integration. Senior staff professional development may improve financial performance, collaboration, diversity and inclusion, employee satisfaction, and loyalty.

Smt. S Vanitha vs. The Deputy Commissioner, Bengaluru Urban District & Ors. The Supreme Court's ruling on December 15, 2020, focused on the 2007 Act in a matrimonial dispute and the eviction of a daughter-in-law. Disbanding employees for professional advancement fosters empathy and societal inclusivity. Generational diversity is essential for a competitive marketplace as it brings a range of perspectives, experiences, and skills that can drive innovation, problem-solving, and adaptability in a rapidly changing business environment.

Section 16 of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, a "senior citizen or parent who is aggrieved by the decision" of a Tribunal has the right to appeal to the Appellate Tribunal.

➤ This implies that the "children or relatives who may have been aggrieved by the decision" of the Tribunal are not permitted to appeal. Only parents and seniors are allowed to appeal, excluding children, which is a matter that the Legislature must address to allow all affected parties to appeal.

➤ The Act should define 'relative' more precisely to eliminate ambiguity and provide clarity on inheritance rights for childless senior citizens, such as including siblings or close friends as potential relatives.

➤ The Act should define 'relative' more precisely to eliminate ambiguity and provide clarity on inheritance rights for childless senior citizens.

➤ Section 20 of the Act should be amended to clearly define the extent of the obligation of state governments to provide beds to all senior citizens in government hospitals.

Having the right to an advocate, maintenance recognizes that children and relatives must help older adults live independently. This task falls to relatives who own or inherit the old person's property. Children of elderly parents are not required to help them due to their property or inheritance rights. Section 5 of the Act allows the following people to be mentioned in applications: -

Retrospective Effect or Prospective Effect of Maintenance of parents and senior citizens act 2007:

The Act applies only to transfers made after its legislative date, and not retroactively. Retrospective application refers to the Act being applied to transfers that have already taken place, while prospective application pertains to transfers that will happen in the future and the Act applies only to transfers that occur after its legislative date.

The High Court of Delhi division bench scrutinized the possibility of declaring transfers undertaken before the implementation of the Act as unlawful under **Section 23**. The court ruled that legislation should not be used retrospectively to impact rights established in favor of others unless the text of the statute mandates it or makes it necessary. Consequently, Section 23 cannot be retroactively applied since it explicitly specifies "after the commencement of the Act." The "Right to life with dignity" is a fundamental right under the Constitution of India,¹⁰ guaranteeing that children will not leave their old parents and that they will have the opportunity to live decently after receiving care. A special tribunal to provide speedy remedies was established as part of the 2007 Maintenance and Welfare of Parents and Senior Citizens Act, which aimed to help with this. Nevertheless, problems continue even with the specialized body and the legislation. Despite the 90-day deadline for maintenance petitions set forth in Section 5(4) of the Act, judges' other duties can cause delays,

¹⁰ Kumar, M. (2023) The Impact of Economic Exclusion on the Constitutionally Guaranteed Entitlements of Economic Justice, Equality of Opportunity and Right to Live with Human Dignity of the Transgenders *Journal of Law and Sustainable Development*

necessitating prompt rulings. Suo motu, the Delhi High Court ordered the government to strictly follow the provisions of the Act. Also, the Allahabad High Court must determine if the Act of 2007 is followed. In addition to protecting the rights, financial stability, and access to essential resources of Indian elders, this law promotes intergenerational understanding and collaboration.

Latest Judgements of the Supreme Court of India for the Senior Citizens

The judiciary has been instrumental in interpreting and enforcing laws to safeguard and support senior citizens. Court judgments have reinforced children's responsibility to support their parents and have addressed cases of elder abuse and neglect under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Dr. Ashwani Kumar v. Union of India (2019): This case involved a public interest litigation (PIL) filed by Dr. Ashwani Kumar, a former law minister, seeking enforcement of the rights of elderly people under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Supreme Court issued a series of directives to the central and state governments to ensure the welfare and protection of senior citizens. This included the proper implementation of the 2007 Act, setting up of old age homes, and ensuring the provision of adequate medical facilities for the elderly.

K.S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors. (2018):¹¹ This landmark judgment, primarily known for upholding the right to privacy as a fundamental right under Article 21 of the Constitution, also touched upon the rights of senior citizens.

The court acknowledged the vulnerability of senior citizens and emphasized the need for a robust legal framework to protect their rights. This included aspects of financial security, healthcare, and protection from abuse.

S. Vanitha v. Deputy Commissioner, Bengaluru Urban District and Ors. (2020): This case concerned the conflict between a daughter-in-law's right to residence and the rights of senior citizens (in-laws) under the 2007 Act and The Supreme Court held that an overriding effect over the Protection of Women from Domestic Violence Act, 2005. The court ruled in favor of the senior citizens, emphasizing the need to protect their rights to live peacefully in their own homes.

N. Radhakrishnan v. Union of India (2021):¹² This PIL was filed to address the issues faced by senior citizens during the COVID-19 pandemic. The Supreme Court directed the central and state governments to take immediate measures to ensure the well-being of senior citizens during the pandemic. This included prioritizing them in the vaccination drive, ensuring access to healthcare, and providing necessary financial support.

The case of **Smt. S Vanitha v. The Deputy Commissioner, Bengaluru Urban District & Ors.** involved a dispute regarding the Senior Citizens Act application for the eviction of the appellant and her daughter. The Supreme Court delved into the issue of jurisdiction and the rights of a daughter-in-law in matrimonial disputes.

In the case of **Sudesh Chikara v. Ramti Devi & Anr.**, an appeal was made regarding a petition under the 2007 Act concerning familial property rights and the welfare of senior citizens the Supreme Court Judgements on the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, encompass a compilation of Supreme Court rulings that interpret and apply the Senior Citizens Act of 2007.

V. CONCLUSION AND SUGGESTIONS

They encourage inclusion and compassion by overcoming generational barriers and uniting all ages by strict enforcement of laws and by investing in legal enforcement and betterment of healthcare, housing, and social activities for seniors, we create a cohesive, empathic community that honors and remembers our elders, promotes inclusion, and sets a prelude to peace. This provides valuable insights into the legal landscape concerning the welfare of senior citizens in India, reflecting the ongoing legal discourse and the impact of the Act on their rights and welfare. We must recognize and celebrate seniors' knowledge and experience, and mentorship programs can help us build a more inclusive and compassionate community where people of all

¹¹ Jha, S. (2023) Concept of Privacy in India: A Socio-Legal Critique *Journal of Management & Public Policy*

¹² Radhakrishna, M., R. B., Putty, K., Marpakala, K., Jaslin, P., Aravind, V., Singh, S., Balachandran, S., K., S., Kondapi, A., K. (2021) SARS CoV-2 Variants and Spike Mutations Involved in Second Wave of COVID-19 Pandemic in India

ages can thrive and learn from each other that the Programs foster lifelong learning, empathy, and cooperation for elders.

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