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## Protecting The Rights Of Aged Parents And Senior Citizens In India: Legal, Social, And Policy Perspectives

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### ABSTRACT

The global increase in life expectancy has led to a rise in the elderly population, bringing new challenges in ensuring the dignity, welfare, and rights of senior citizens. In India, traditional family structures are rapidly changing, leading to increased vulnerability among the elderly. This paper explores the legal, social, and policy frameworks designed to protect aged parents and senior citizens in India, analyzes their effectiveness, and compares them with international best practices. It explores the multidimensional approach needed to protect the rights of aged parents and senior citizens.. Data on elder abuse and aging demographics are presented through charts to support evidence-based recommendations. A rights-based approach and inclusive policy design are proposed as sustainable solutions. It concludes with recommendations to bridge existing gaps and foster a more inclusive, supportive environment for the elderly.

**KEYWORDS:** Senior citizens, elderly rights, elder abuse, welfare schemes, Indian law, social policy.

### INTRODUCTION

Aging is a natural process, but for many, it becomes a period marked by neglect, poverty, and health-related suffering. With over 140 million senior citizens as of 2021, India faces serious concerns regarding elder care and rights. Once safeguarded by joint family systems, elderly citizens today are increasingly isolated due to urban migration, economic stress, and evolving social values. This research aims to examine the rights of senior citizens, evaluate the current legal and policy frameworks, and recommend effective mechanisms to ensure their welfare.

India is witnessing a demographic shift with its aging population growing rapidly. As per the Ministry of Statistics and Programme Implementation (2021), senior citizens (aged 60 and above) comprise over 10% of India's population. By 2030, this is expected to rise significantly. However, modernization, migration, and nuclear family structures are eroding traditional caregiving systems, leaving many elderly vulnerable to neglect and abuse (HelpAge India, 2023). This paper analyzes legal, social, and policy frameworks aimed at protecting elderly citizens and explores necessary reforms.

## DATA COLLECTION

Various secondary sources have been used for analyzing the study by using reports of Government as well as Non-Governmental agencies, books and other publications, Research papers and Reports published in journals etc.

## SENIOR CITIZEN DEMOGRAPHICS AND STATISTICAL OVERVIEW IN INDIA

India's senior citizen population has steadily increased over the decades. According to HelpAge India's 2023 report, nearly 1 in 2 elderly people experience abuse, mainly from family members. Research by the UN and WHO underscores the need for age-inclusive policies. In India, the Maintenance and Welfare of Parents and Senior Citizens Act (2007) was a landmark, but scholars criticize its weak enforcement and limited awareness. International literature emphasizes the role of community-based models, digital inclusion, and rights-based approaches.

The graph below illustrates this growth trend.

Year	Percentage of Elderly (60+)	Estimated Population (in millions)
2001	7.4%	77
2011	8.6%	104
2021	10.1%	138
2031 (Proj.)	13.1%	194

(Source: Census of India, UN Population Division)

**Graph Idea:** Line graph showing growth trend of elderly population from 2001 to projected 2031

## ELDER ABUSE IN INDIA

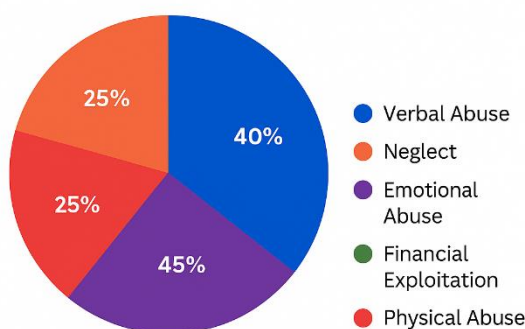
Elder abuse is often unreported. Elder abuse in India is an increasingly serious yet underreported issue that undermines the dignity and well-being of senior citizens. It includes **physical, emotional, financial abuse**, and **neglect**, often perpetrated by family members or caregivers. Rapid urbanization, nuclear family structures, and economic pressures have contributed to increased isolation and vulnerability among the elderly.

According to studies conducted by HelpAge India, nearly **60% of elderly respondents** reported experiencing some form of abuse, with **verbal abuse** being the most common. Many remain silent due to fear, shame, or dependence on abusers for emotional or financial support.

Despite legal safeguards such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, enforcement remains weak, particularly in rural and less literate populations. Raising awareness and building responsive community support systems are vital to combating elder abuse in India. According to HelpAge India (2023), emotional and verbal abuse are the most common forms.

## TYPES OF ELDER ABUSE IN INDIA (SAMPLE DATA VISUALIZATION)

Types of Elder Abuse in India



(Source: HelpAge India Survey Report)

### LEGAL FRAMEWORK IN INDIA

India has developed a legal foundation to safeguard the rights and dignity of senior citizens through constitutional provisions, specific legislation, and judicial activism.

#### Constitutional Provisions

- **Article 41** of the Indian Constitution directs the state to provide public assistance in cases of old age.
- Directive Principles of State Policy emphasize social security and the promotion of welfare for the aged.

#### The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

This is the principal statute that mandates children and legal heirs to provide maintenance to aged parents and senior citizens and sets up tribunals for quick grievance redressal. The Act empowers authorities to evict abusive relatives and cancel property transfers if maintenance is denied.

#### Key Features:

- Mandatory maintenance by children and legal heirs.
- Establishment of old-age homes in every district.
- Monthly maintenance allowance (up to ₹10,000).
- Punishment for abandonment of parents.

Other Legal Provisions

**Bharatiya Naya Sanhita :** Some sections dealing with elder abuse and abandonment.

BNS Provisions Relevant to Elder Protection

Clause Section	Protection Offered
Clause 250 -	Criminal intimidation—used in cases where elders are threatened or coerced.
Clause 248 -	Assault—covers physical abuse against senior citizens.
Clause 302 -	Neglect or abandonment—can be invoked when aged parents are deliberately left without care.
Clause 304 -	Cruelty by family members—includes mental and emotional abuse.
Clause 356 -	Trespass—used in property disputes involving unlawful occupation by relatives.

**Personal Laws:** Hindu Adoption and Maintenance Act 1956 , mandates care for parents.

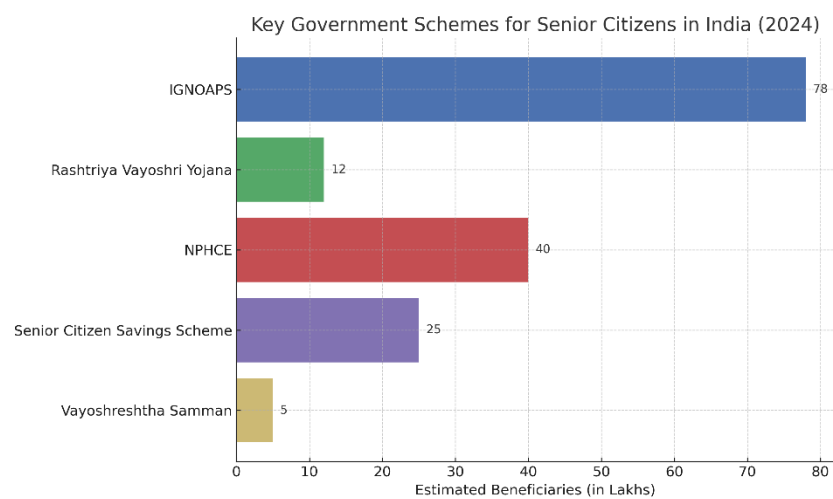
**National Trust Act, 1999:** The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 is a landmark legislation in India aimed at empowering individuals with specified disabilities and ensuring their inclusion and dignity.

Key Objectives

- Establish a statutory body called **The National Trust** to oversee welfare initiatives.
- Promote **independent living** and **community-based support** for persons with disabilities.
- Provide **legal guardianship** through Local Level Committees for those unable to make decisions independently.
- Support **registered organizations** working in the disability sector.

SOCIAL WELFARE SCHEMES AND POLICIES

India has implemented several schemes and policies to ensure the financial security, health care, and social inclusion of its growing elderly population. These initiatives aim to protect their dignity and support them in leading independent lives.



(Source: Ministry of Social Justice and Empowerment – Annual Reports)

## National Policy on Older Persons (1999)

This was the first comprehensive policy to address the needs of senior citizens, focusing on health care, housing, income security, and protection against abuse.

## Integrated Programme for Senior Citizens (IPSC)

- Supports old age homes, day care centers, and mobile healthcare.
- Funded by the Ministry of Social Justice and Empowerment.

**Atal Vayo Abhyuday Yojana (AVYAY):** A central umbrella scheme launched by the Ministry of Social Justice and Empowerment to integrate various services such as elder helplines, caregiver training, and shelter homes.

## Indira Gandhi National Old Age Pension Scheme (IGNOAPS)

**This Scheme** provides financial assistance to those aged 60 and above, especially from below poverty line (BPL) families.

**Rashtriya Vayoshri Yojana:** Targets economically disadvantaged senior citizens with free physical aids and assistive devices like wheelchairs, hearing aids, and walking sticks.

**Senior Citizen Health Insurance Scheme (SCHIS):** The Senior Citizen Health Insurance Scheme primarily refers to the expanded coverage under the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB PM-JAY), which now includes all citizens aged 60 and above, regardless of income or socio-economic status.

**Reverse Mortgage Scheme :** The Reverse Mortgage Scheme is a financial product designed to help senior citizens monetize the value of their owned and self-occupied residential property without having to sell it or leave it. It flips the conventional idea of a mortgage on its head:

### Key Features

- **Eligibility:** Typically for individuals aged 60 years and above (spouse can be 55+), who own a residential property.
- **Loan Mechanism:** Instead of paying EMIs, the borrower receives regular payments from the lender—monthly, quarterly, or lump sum.
- **No Immediate Repayment:** The loan is repaid only after the borrower passes away or permanently moves out of the property.
- **Ownership Retained:** The borrower continues to live in the home during the loan tenure.

## CHALLENGES IN IMPLEMENTATION

Implementing the rights of senior citizens in India faces several systemic and structural challenges, despite a robust legal and policy framework like the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007**. Some challenges are-

**Poor coverage and awareness:** Many senior citizens remain unaware of their rights and welfare schemes due to limited outreach, illiteracy, and inadequate legal literacy efforts, especially in rural and tribal areas.

**Delayed pensions and poor monitoring:** Disbursement of old age pensions is often irregular, plagued by bureaucratic delays and lack of real-time monitoring systems. This affects financial security and access to basic needs.

**Understaffed or non-functional old age homes in rural areas:** Numerous state-supported old age homes in rural regions suffer from poor infrastructure, insufficient staffing, and lack of basic amenities, making them ineffective in providing dignified care

## ROLE OF JUDICIARY

The **judiciary in India plays a pivotal role** in upholding and advancing the rights of senior citizens, especially when legislative and executive mechanisms fall short. Through progressive interpretations and public interest litigation (PIL), courts have reinforced the dignity, welfare, and protection of the elderly.

**Enforcement of Maintenance Laws:** Courts have actively enforced the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, ensuring that children and relatives fulfill their legal obligations to support elderly parents.

**Right to Dignity and Life:** The judiciary has interpreted Article 21 of the Constitution (Right to Life) to include the right to live with dignity, which extends to the elderly, mandating humane treatment and access to basic needs.

**Public Interest Litigation (PIL):** NGOs and individuals have approached courts to highlight systemic neglect, prompting judicial directives for better implementation of welfare schemes.

**Promotion of Legal Awareness:** Judicial pronouncements often stress the need for legal literacy among the elderly, encouraging state-led awareness campaigns.

## LANDMARK CASES:

India has developed a robust legal and judicial framework to protect the rights of senior citizens, especially as traditional family structures evolve. There are various cases about the rights of senior citizens. Some of them are given below.

**Dattatrey Shivaji Mane v. State of Maharashtra (2008):** Upheld parents' right to evict abusive children.

**Justice S. Rangarajan v. Union of India:** Emphasized the moral responsibility of children.

**Ashwani Kumar v. Union of India (2018):** Directed states to set up old age homes in every district.

**Karuppan v. District Magistrate-cum-District Collector & Others (2025 Madras HC) :** The Madras High Court held that **only the senior citizen who transferred the property** can seek cancellation under Section 23(1) of the Act—not other family members.

**Vijay Ugale v. Kesarabai (2025 Bombay HC, Nagpur Bench) :** The court upheld the order, stating that **senior citizens cannot be forced to live with abusive children** to claim maintenance.

**Hutokshi Farokh Patel v. Percy Farokh Patel (2025 Mumbai Tribunal) :** The tribunal ordered the couple to **vacate her residence**, citing mental and physical harassment.

Judiciary has emphasized the moral and legal responsibility of adult children and the state in ensuring elder care. Courts have also encouraged speedy resolution of maintenance claims and improved access to old-age homes and pensions. These cases highlight how Indian courts are increasingly prioritizing the **dignity, autonomy, and safety** of senior citizens.



## CHALLENGES FACED BY SENIOR CITIZENS

Aged individuals face a range of interlinked challenges that affect their physical, emotional, and social well-being, particularly as societies evolve and traditional support systems weaken.

**Economic Insecurity:** Many seniors lack adequate pensions or savings, making them dependent on family or state support. Digital banking and financial scams also pose risks

**Health Issues:** There are limited access to geriatric care and mental health services. Chronic conditions like arthritis, diabetes, and cardiovascular diseases are common. Limited mobility and cognitive decline further reduce independence.

**Elder Abuse:** Physical, emotional, and financial abuses are often by caregivers or family remains a hidden but serious issue .

**Social Isolation:** Urbanization and nuclear families contribute to loneliness.

**Digital Divide:** Most elderly citizens are excluded from tech-based services.

**Ageism and Marginalization:** Stereotypes about aging can lead to exclusion from community life and decision-making, eroding self-worth.

**Access to Care:** Inadequate geriatric healthcare, especially in rural areas, and the high cost of treatment limit access to quality care.

## INTERNATIONAL PERSPECTIVES

As the global population ages rapidly, the protection of older persons' rights has become a pressing international concern. While there is no single binding international treaty dedicated solely to elder rights, several **global frameworks and declarations** guide nations in promoting dignity, inclusion, and protection for senior citizens.

### Universal Declaration of Human Rights (1948)

- Affirms the right to security in old age (Article 25).
- Serves as the foundation for all subsequent human rights instruments.

### Vienna International Plan of Action on Ageing (1982)

- First global initiative to address aging.
- Encouraged countries to integrate aging into national development plans.

### UN Principles for Older Persons (1991)

It was adopted by the **UN General Assembly (Resolution 46/91)** on **16 December 1991**, these principles offer a global ethical framework to guide governments in promoting the rights and well-being of older persons. They emphasize dignity, autonomy, and inclusion across diverse cultural and socioeconomic contexts.

It was organized around five core themes. They are -

- **Independence**
- **Participation**
- **Care**
- **Self-fulfillment**
- **Dignity**

## Madrid International Plan of Action on Ageing (2002)

Madrid International Plan of Action on Ageing was adopted at the **Second World Assembly on Ageing** in Madrid, this landmark UN framework marked a global shift toward recognizing ageing as a development issue, not just a welfare concern. It calls for building a **society for all ages** by integrating older persons into social, economic, and political life. It is a turning point in global aging policy.

### ❖ It Focuses on:

- Older persons and development
- Advancing health and well-being into old age
- Creating enabling and supportive environments

It emphasizes integrating aging into broader human rights and development agendas.

### Global Examples

- **Japan:** Universal healthcare and active aging programs.
- **Sweden:** State-funded elder care and pension systems.
- **USA:** Social Security Act and Medicare for elderly welfare.

## RECOMMENDATIONS

**Strengthen Enforcement:** Better monitoring of tribunals under the 2007 Act. Improved oversight of tribunals under the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007** is essential. Regular audits, performance evaluations, and grievance redress mechanisms can make these bodies more responsive and efficient in safeguarding elderly rights.

**Legal Literacy:** Awareness drives on elder rights and welfare laws. Organizing community-based **awareness campaigns** can empower seniors and their caregivers to understand rights related to maintenance, protection from abuse, and access to welfare schemes. Legal aid cells and helplines can complement these efforts.

**Age-Friendly Infrastructure:** Ensure public places and transport are elder-accessible. Public spaces, buildings, and transportation systems should be designed or retrofitted to support mobility and safety for the elderly—such as **ramps, priority seating, clear signage, and barrier-free access**.

**Community Engagement:** Promote volunteer programs and intergenerational activities. Intergenerational bonding programs, senior mentorship schemes, and youth volunteer initiatives can combat isolation and build solidarity between age groups. Local clubs and NGOs can play a key role.

**Healthcare Access:** Expand mobile geriatric units and subsidized care. Deploying **mobile geriatric care units** and expanding subsidized diagnostic, rehabilitation, and palliative services will help reach underserved rural and urban elderly populations.

**Technology Inclusion:** Digital literacy programs for the elderly. Tailored **digital literacy workshops** can help seniors navigate smartphones, online services, telemedicine, and digital banking, reducing their dependency and vulnerability in a digital age.

## CONCLUSION

The protection of aged parents and senior citizens is not just a legal or policy issue—it is a moral and social imperative. While India has made strides through legal reforms and welfare programs, the growing elderly population requires a more proactive, rights-based, and integrated approach. Collaborative efforts from the government, civil society, families, and individuals are essential to ensure a dignified life for our elderly.



## REFERENCES

- HelpAge India Reports (2022)
- The Maintenance and Welfare of Parents and Senior Citizens Act, 2007
- Constitution of India
- UN Principles for Older Persons, 1991
- Madrid International Plan of Action on Ageing, 2002
- National Policy on Older Persons, 1999
- Ministry of Social Justice and Empowerment – Annual Reports
- Relevant case laws from Indian judiciary
- WHO Reports on Aging and Health
- Census of India, UN Population Division
- HelpAge India. (2023). Elder Abuse in India 2023: A HelpAge India Report. <https://www.helpageindia.org>
- Ministry of Statistics and Programme Implementation. (2021). Elderly in India - 2021. Government of India. <https://mospi.gov.in>
- Supreme Court of India. (2008). Dattatrey Shivaji Mane v. State of Maharashtra, Civil Appeal No. 6755.
- United Nations. (2002). Madrid International Plan of Action on Ageing. <https://www.un.org/ageing>
- [www.indiagovtscheme.com](http://www.indiagovtscheme.com)
- [www.care.samarth.community](http://www.care.samarth.community)
- [www.greatseniorsyears.com](http://www.greatseniorsyears.com)
- [www.smithlifehomecare.com](http://www.smithlifehomecare.com)
- [www.indiagov.in](http://www.indiagov.in)
- National Council on Aging. (2021). Issues for advocates: Get the facts on elder abuse. <https://www.ncoa.org/article/get-the-facts-on-elder-abuse>
- National Health Protection Mission. (2018). Ayushman Bharat. Government of India. <https://www.india.gov.in/spotlight/ayushman-bharat-national-health-protection-mission>
- Ministry of Law and Justice. (2007). Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Government of India. <https://legislative.gov.in/actsofparliamentfromtheyear/maintenance-and-welfare-parents-and-senior-citizens-act-2007>
- Ministry of Social Justice and Empowerment. (1999). National Policy for Older Persons. Government of India. <https://socialjustice.gov.in/writereaddata/UploadFile/National%20Policy%20for%20Older%20Persons%20Year%201999.pdf>
- Bharatiya Naya Sanhita 2023
- Hindu Adoption and Maintenance Act 1956