



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

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www.ijlar.com

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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

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Description

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AN OVERVIEW OF LEGAL PROVISIONS FOR THE PROTECTION OF SENIOR CITIZENS IN INDIA

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Abstract:

The protection and welfare of senior citizens has emerged as an important area of concern in India due to the increasing ageing population and the growing instances of abuse, neglect, and exploitation of elderly persons. The present paper provides an overview of the legal framework relating to the protection of senior citizens in India. It examines the constitutional provisions, statutory enactments, and welfare measures designed to safeguard the rights and dignity of elderly individuals, with special reference to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The paper also discusses the role of maintenance tribunals, legal remedies available to senior citizens, and the responsibility of the State in ensuring their welfare and security. In addition, the study briefly highlights the challenges in implementation of these legal provisions and the need for greater awareness and institutional effectiveness. The research is doctrinal and descriptive in nature and is based on an analysis of legislative materials, judicial decisions, government reports, and secondary literature. The study concludes that while India possesses a substantial legal framework for the protection of senior citizens, effective implementation and social sensitization remain essential for ensuring meaningful protection of elderly rights.

Keywords: Senior Citizens, Elderly Rights, Maintenance Tribunal, Welfare Legislation, Socio-Legal Protection, Elderly Welfare, India.

Introduction

The protection of senior citizens has emerged as a significant socio-legal concern in contemporary India due to the rapid transformation of demographic patterns, family structures, and economic relations. Ageing, once regarded primarily as a private family matter governed by social morality

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and customary obligations, has increasingly become a matter requiring legal recognition and state intervention.² The growing population of elderly persons, accompanied by rising instances of neglect, abandonment, financial insecurity, and emotional abuse, has compelled the legal system to reconsider the traditional assumption that families alone can adequately protect older persons. In this context, the legal provisions relating to senior citizens in India represent not merely welfare-oriented measures but also an evolving framework of rights, dignity, and social justice.

India is witnessing a substantial increase in its elderly population due to improved healthcare facilities, declining mortality rates, and enhanced life expectancy. While demographic ageing is often associated with developed nations, India too is gradually entering a phase where the proportion of senior citizens forms a significant segment of society. This transition has produced complex socio-economic consequences. Traditional joint family systems, which historically provided emotional and economic security to elderly persons, are steadily weakening under the pressures of urbanization, migration, industrialization, and changing aspirations of younger generations. As nuclear family arrangements become dominant, many elderly individuals experience isolation and reduced dependence within the household structure. The issue is particularly severe in cases where aged parents become economically dependent on children who may perceive them as burdens rather than contributors to family welfare.

The vulnerability of senior citizens is not confined to economic hardship alone. Elder abuse has emerged as an important but underreported phenomenon in India. Abuse may take physical, emotional, psychological, verbal, or financial forms. Many elderly persons face coercive deprivation of property, abandonment after transfer of assets, denial of medical care, or humiliation within domestic spaces. The invisibility of such abuse is often sustained by social stigma, emotional dependency, and reluctance to initiate legal proceedings against family members. Consequently, the question of senior citizen protection intersects with broader themes of human rights, constitutional morality, gender justice, and social welfare.³

² Pradeep Kumar Pandey & Preeti Misra, Legal Protection of Elderly Persons in India: An Overview, 4(1) *Vidhigya: The Journal of Legal Awareness* (2009).

³ Sarita Kapur, Senior Citizens—Protections in Law, an Overview, in *Ageing Issues and Responses in India* 171–184 (2020).

The Indian Constitution, although not specifically dedicated to senior citizens, contains several provisions that create the normative foundation for their protection. The constitutional philosophy of social justice embodied in the Directive Principles of State Policy imposes an obligation upon the State to promote welfare and protect vulnerable sections of society. Article 41 directs the State to provide public assistance in cases of old age, sickness, and disablement within the limits of its economic capacity. Similarly, Article 46 encourages protection of weaker sections from social injustice and exploitation. Though these provisions are non-justiciable, they serve as guiding principles for legislative and policy interventions concerning elderly welfare. Constitutional guarantees under Articles 14 and 21 also assume relevance in ensuring equality, dignity, and the right to live with basic human decency for senior citizens.

The enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 marked a significant legislative development in the Indian legal system. The Act reflects a shift from purely moral obligations toward legally enforceable duties imposed upon children and relatives. It seeks to ensure maintenance, healthcare, and protection of life and property of senior citizens. One of the notable aspects of the legislation is its attempt to provide accessible and inexpensive remedies through Maintenance Tribunals rather than conventional courts. The law recognizes that prolonged litigation may defeat the very objective of elderly protection because aged persons often require immediate relief. The Act also addresses situations where property transferred by senior citizens is subsequently misused by transferees who fail to provide promised care and support.

Despite the existence of legal mechanisms, implementation remains a serious challenge. Many elderly persons are either unaware of their legal rights or unwilling to invoke them due to emotional attachments and fear of social repercussions. Procedural inefficiencies, administrative delays, and inadequate infrastructure further weaken the effectiveness of statutory protections. In several instances, Maintenance Tribunals suffer from lack of institutional capacity and inconsistent enforcement of orders. The legal system therefore faces a paradox where rights formally exist but practical accessibility remains limited. This gap between legislative intent and social reality is central to any critical analysis of senior citizen protection laws in India.

The issue also possesses a strong gender dimension. Elderly women frequently experience greater vulnerability due to economic dependency, widowhood, lack of property ownership, and social marginalization. Patriarchal social structures often deprive women of independent financial security during their younger years, which subsequently intensifies insecurity in old age. Widowed and abandoned elderly women may face social exclusion alongside economic hardship. Therefore, legal protection for senior citizens cannot be examined in isolation from broader questions of gender inequality and social stratification. The intersection of age, gender, class, disability, and rural-urban disparities significantly shapes the lived experiences of elderly persons.

Another important aspect concerns the changing nature of the welfare state in India. Historically, family-based care functioned as the principal mechanism for elderly support. However, socio-economic changes have demonstrated the limitations of relying exclusively on private familial arrangements. The modern legal framework increasingly recognizes that care for senior citizens is not solely a moral issue but a matter of public policy and state responsibility. Government schemes relating to pensions, healthcare, social assistance, and old-age homes indicate the gradual institutionalization of elderly welfare. Nevertheless, such schemes often suffer from inadequate funding, poor awareness, and unequal access across regions.

The protection of senior citizens also raises important theoretical questions concerning the nature of rights and citizenship. Elderly persons are frequently viewed through a welfare-oriented lens that emphasizes dependency rather than autonomy. Such an approach risks reducing older persons to passive recipients of assistance rather than recognizing them as rights-bearing individuals entitled to dignity, participation, and self-determination. Contemporary legal discourse increasingly advocates a rights-based framework that acknowledges the agency of elderly persons and emphasizes substantive equality rather than mere charity. This perspective becomes particularly relevant in societies where ageism and social invisibility often marginalize elderly voices from public discourse.⁴

⁴ Prawar Agrawal, *Protecting the Rights of Senior Citizens in India: A Critical Analysis of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Impact on Elderly Welfare*, SSRN (2025), available at SSRN 5146503.

Judicial interpretation has further contributed to strengthening protections for senior citizens. Indian courts have repeatedly emphasized filial responsibility, constitutional compassion, and the need to uphold dignity in old age. Judicial observations often highlight that abandonment of elderly parents reflects not merely a private moral failure but also a breakdown of social responsibility. Courts have also expanded the interpretation of the right to life under Article 21 to include dignified living conditions, healthcare access, and protection from exploitation. Such judicial interventions indicate the increasing recognition of elderly rights within constitutional jurisprudence.

The legal protection of senior citizens in India reflects the interaction between constitutional ideals, social realities, and evolving state responsibilities. The issue extends beyond maintenance and welfare to encompass human dignity, social inclusion, healthcare, economic security, and protection against abuse. As Indian society undergoes rapid transformation, the challenge lies not merely in enacting laws but in creating an effective socio-legal framework capable of addressing the complex vulnerabilities associated with ageing. The study of legal provisions for senior citizens therefore requires a critical examination of both normative legal principles and the practical realities that determine whether elderly individuals can truly live with dignity, security, and respect in contemporary India.

Constitutional Framework

The constitutional framework of India, though not expressly dedicated to senior citizens as a separate category, provides significant protection to elderly persons through its broader commitment to human dignity, social justice, and welfare-oriented governance. The Constitution of India embodies the philosophy of a welfare state and imposes both enforceable legal obligations and moral responsibilities upon the State to safeguard vulnerable sections of society, including senior citizens. In the context of increasing incidents of neglect, abandonment, economic insecurity, and abuse of elderly persons, constitutional provisions acquire immense significance as the foundational basis for legislative and policy interventions aimed at protecting senior citizens. The protection of senior citizens under the Indian constitutional scheme can be understood through two interconnected dimensions. The first relates to the guarantee of fundamental rights that ensure dignity, equality, and personal liberty to every individual irrespective of age. The second relates

to the Directive Principles of State Policy, which impose obligations upon the State to promote welfare, social security, and assistance for vulnerable groups. Together, these provisions create a constitutional environment within which laws and welfare mechanisms for senior citizens have evolved.

Among the Fundamental Rights, Article 21 occupies a central position in ensuring protection to elderly persons. The provision guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.⁵ Judicial interpretation has considerably expanded the scope of Article 21 beyond mere physical existence to include the right to live with dignity, security, and basic human conditions necessary for meaningful life. In the context of senior citizens, the right to life assumes a broader social dimension because ageing is frequently accompanied by physical dependency, economic vulnerability, and social isolation. The constitutional promise of dignity under Article 21 therefore extends to ensuring that elderly persons are not subjected to neglect, humiliation, abuse, or abandonment⁶.

Indian courts have repeatedly emphasized that the right to live with dignity includes access to healthcare, shelter, nutrition, and emotional security. For senior citizens, these aspects are not merely welfare considerations but essential conditions for preserving human dignity during old age. Situations where elderly parents are deserted by children, deprived of property, or denied medical support raise serious constitutional concerns under Article 21. The judiciary has often interpreted the constitutional guarantee in a manner that recognizes the special vulnerabilities associated with ageing and the corresponding responsibility of the State to provide protection.

Article 14 of the Constitution, which guarantees equality before law and equal protection of laws, is equally relevant in the context of senior citizens. Elderly individuals are entitled to equal legal protection and non-discriminatory treatment in access to public services, welfare measures, and justice delivery mechanisms. However, equality under the Constitution does not imply identical treatment in all circumstances. The principle of substantive equality permits the State to create special protective measures for vulnerable groups where such classification is reasonable and

⁵ Article 21, Constitution of India

⁶ Ashwani Kumar v. Union of India

based on legitimate objectives.⁷ Welfare schemes, concessions, and protective legislations enacted specifically for senior citizens therefore derive constitutional legitimacy from the broader framework of equality and social justice.

Article 15 further empowers the State to adopt special measures for disadvantaged groups. Although the provision explicitly mentions women and children, the constitutional philosophy underlying protective discrimination supports affirmative measures for elderly persons as well. The socio-economic disadvantages experienced by many senior citizens, particularly widows, financially dependent elderly persons, and those living in rural areas, justify targeted welfare interventions within the constitutional framework.⁸

One of the most significant constitutional provisions relating to senior citizens is Article 41, contained under the Directive Principles of State Policy. The provision directs the State to make effective arrangements for securing public assistance in cases of old age, sickness, disablement, and unemployment within the limits of its economic capacity and development. Although Directive Principles are non-justiciable in nature, they play a vital role in guiding legislative and executive policies. Article 41 reflects the constitutional recognition that old age creates conditions requiring social support and institutional protection. It acknowledges that elderly persons may face economic insecurity and social dependency, thereby necessitating welfare-oriented measures from the State.

The importance of Article 41 becomes particularly evident in the context of India's changing social structure. Traditionally, care and support for elderly persons were primarily considered moral and familial obligations within the joint family system. However, urbanization, migration, industrialization, and the gradual shift toward nuclear family structures have weakened traditional support mechanisms. As a consequence, many elderly persons are left without adequate emotional, financial, or physical support. Article 41 therefore assumes contemporary relevance as it places responsibility upon the State to supplement or substitute declining familial support structures through institutional and legal mechanisms.

⁷ State of West Bengal v. Anwar Ali Sarkar

⁸ Dr. Pradeep Jain v. Union of India

The Directive Principles collectively reinforce the idea that the State must create conditions that promote social welfare and reduce inequality. Articles 38 and 39, though not specifically directed toward senior citizens, contribute to this constitutional philosophy by emphasizing social justice, adequate livelihood, and protection against exploitation. Elderly persons frequently become victims of economic abuse, property grabbing, and neglect due to dependency and declining physical capacity. Constitutional commitment toward social justice therefore indirectly supports legislative measures aimed at protecting the rights and welfare of senior citizens.

The constitutional vision relating to elderly welfare ultimately found concrete legislative expression through the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Act operationalizes constitutional principles by imposing legal obligations upon children and relatives to maintain senior citizens and by establishing maintenance tribunals for speedy remedies. Although the Constitution itself does not explicitly enumerate elderly rights, the enactment of such legislation demonstrates how constitutional directives influence welfare-oriented legal reforms.

At the same time, constitutional protection for senior citizens in India continues to face practical limitations. The existence of constitutional guarantees does not automatically ensure effective realization of elderly rights. Many senior citizens remain unaware of available legal remedies and welfare schemes. Economic dependency, emotional attachment to family members, and fear of social stigma often discourage elderly persons from asserting their rights. In rural and economically weaker regions, institutional support systems remain inadequate and inaccessible. The gap between constitutional ideals and social realities therefore remains a major challenge.

Another critical issue is that constitutional discourse on senior citizens has largely remained welfare-centric rather than rights-centric. Elderly persons are often viewed as passive recipients of charity and support rather than independent rights-bearing individuals entitled to autonomy, participation, and dignity. Contemporary constitutional interpretation requires a shift toward recognizing ageing not merely as a social burden but as a human rights concern deserving active legal protection and policy attention.

The Indian Constitution thus provides a strong normative foundation for the protection and welfare of senior citizens through its guarantees of dignity, equality, and social justice. Fundamental Rights and Directive Principles together create a constitutional obligation upon the State to ensure security and welfare for elderly persons. While legislative measures and welfare schemes have emerged from these constitutional principles, the effectiveness of constitutional protection ultimately depends upon implementation, awareness, and societal sensitivity toward the elderly. The constitutional vision can only be meaningfully realized when senior citizens are treated not merely as dependents requiring sympathy, but as individuals entitled to dignity, respect, and full participation in society.

Statutory Provisions Relating to Senior Citizens

The legal protection of senior citizens in India has gradually evolved in response to significant demographic and social transformations affecting the elderly population. The weakening of traditional family support systems, increasing life expectancy, urban migration, and rising instances of neglect and abuse have necessitated the development of statutory mechanisms specifically aimed at safeguarding the rights and welfare of senior citizens⁹. Although the Indian legal system did not historically possess a dedicated body of laws dealing exclusively with elderly protection, various statutory provisions have emerged over time to address issues relating to maintenance, welfare, healthcare, property rights, and protection against abuse and exploitation. These laws collectively reflect the transition from a purely moral understanding of familial responsibility toward a legally enforceable framework of protection for elderly persons.

The most significant legislation enacted specifically for the welfare and protection of senior citizens is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Act was introduced with the primary objective of ensuring that elderly persons are not left destitute or neglected by their children and relatives. It represents a welfare-oriented legal intervention that seeks to convert traditional moral obligations into enforceable legal duties. The legislation applies throughout India and provides a comparatively simple and accessible mechanism for senior citizens seeking maintenance and protection.

⁹ Twinkle Jaiswal, Constitutionalism and Rights of Aged Persons—National and International Perspective, 2 *Indian Journal of Integrated Research in Law* 1 (2022).

Section 2(h) of the Act defines a “senior citizen” as any person who has attained the age of sixty years or above. The Act extends protection not only to biological parents but also to adoptive and step-parents, thereby broadening the scope of familial responsibility. One of the central provisions of the legislation is contained in Section 4, which imposes a legal obligation upon children and, in certain cases, relatives to maintain senior citizens who are unable to maintain themselves from their own earnings or property. The concept of maintenance under the Act is interpreted broadly to include provision for food, clothing, residence, medical attendance, and treatment. This broader understanding reflects the recognition that elderly welfare extends beyond mere financial support and encompasses basic conditions necessary for dignified living.¹⁰

An important feature of the Act is the establishment of Maintenance Tribunals under Section 7 for the purpose of providing speedy and inexpensive remedies to elderly persons. These tribunals are empowered to adjudicate applications relating to maintenance and are intended to function through simplified procedures in order to make justice more accessible to senior citizens. Section 9 authorizes the Tribunal to order a monthly maintenance allowance, subject to the statutory limits prescribed under the legislation. The procedural simplicity of the tribunal mechanism was designed to overcome barriers commonly faced by elderly persons in ordinary judicial proceedings, including financial limitations, physical constraints, and procedural delays.

The Act also contains provisions intended to address property-related exploitation of elderly persons. Section 23 is particularly significant in this regard. It provides that where a senior citizen transfers property subject to the condition that the transferee shall provide basic amenities and physical needs, and such transferee subsequently neglects or refuses to fulfil those obligations, the transfer may be declared void by the Tribunal. This provision seeks to protect elderly persons from fraudulent or coercive property transfers, which have become increasingly common in situations where aged parents are persuaded to transfer property in favour of children or relatives and later abandoned or mistreated. The provision reflects the socio-legal reality that economic dependency and property ownership frequently become sources of vulnerability for senior citizens.

¹⁰ Nitin Dhillon & Sarika Tyagi, *A Framework of Dignity: Indian Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in the Global Context*.

The legislation also places obligations upon the State in relation to elderly welfare. Section 19 provides for the establishment of old age homes in every district for indigent senior citizens. Similarly, Section 20 obligates the State Government to ensure proper medical facilities for senior citizens, including separate queues, beds, and healthcare services. These provisions indicate that elderly protection under the Act is not confined solely to familial responsibility but also includes institutional obligations of the State. However, implementation of these welfare measures has often remained inadequate due to infrastructural deficiencies, lack of awareness, and uneven administrative commitment across different states.

In addition to the 2007 Act, the legal rights of senior citizens are also protected through provisions contained in criminal and procedural laws. Section 125 of the Code of Criminal Procedure, 1973, now substantially reflected under the Bharatiya Nagarik Suraksha Sanhita, provides a remedy for parents who are unable to maintain themselves and have been neglected or refused maintenance by their children possessing sufficient means. This provision predates the 2007 Act and has historically served as an important mechanism for elderly parents seeking financial support. The significance of Section 125 lies in its secular and summary nature, which enables relatively speedy relief irrespective of personal laws governing family relations.¹¹

The Bharatiya Nyaya Sanhita and earlier provisions of the Indian Penal Code, 1860 also indirectly protect senior citizens by criminalizing acts such as assault, criminal intimidation, cheating, and breach of trust, wrongful confinement, and offences relating to property. Elderly persons are particularly vulnerable to offences involving financial fraud, property grabbing, and emotional coercion due to physical weakness and social dependency. Although these provisions are not specifically designed for senior citizens, they serve as important legal safeguards in cases involving abuse and exploitation.

Another significant dimension of statutory protection relates to domestic violence laws. The Protection of Women from Domestic Violence Act, 2005 can also extend protection to elderly women facing abuse within domestic relationships. Elderly mothers and widows frequently

¹¹ Ritu Siwach & Rajesh Kumar Malik, *Legislative Framework Regarding Maintenance of Parents and Senior Citizens in India: A Critical Study*.

experience emotional abuse, economic deprivation, and neglect within family settings. The Act recognizes various forms of domestic violence, including verbal, emotional, and economic abuse, thereby providing broader protection beyond physical violence alone.

Despite the existence of these statutory provisions, several socio-legal challenges continue to undermine effective protection of senior citizens. One of the major limitations lies in the low level of legal awareness among elderly persons. Many senior citizens remain unaware of their rights under the law or hesitate to invoke legal remedies due to emotional attachment to family members and fear of social stigma. In practice, elderly persons often prefer silent suffering over legal confrontation, particularly where disputes involve children or close relatives. This social reality significantly reduces the practical effectiveness of legal safeguards.

Institutional shortcomings also affect implementation of statutory protections. Maintenance Tribunals established under the 2007 Act frequently suffer from inadequate infrastructure, procedural delays, and inconsistent functioning across states. In rural and semi-urban areas, accessibility of tribunals and legal aid services remains limited. Healthcare and welfare provisions mandated under the legislation are often implemented unevenly due to financial and administrative constraints. Consequently, the gap between legislative intent and practical realization remains substantial.¹²

Another important concern is that legal intervention alone cannot fully address the complexities of elder abuse and neglect. The issue is deeply connected with broader social transformations, including decline of traditional family support systems, economic pressures, and changing social attitudes toward ageing. Statutory protections may provide remedies after abuse occurs, but they cannot by themselves restore emotional security, social respect, and familial care that elderly persons require for dignified living.

At a broader level, the statutory framework relating to senior citizens in India reflects an emerging recognition that ageing is not merely a private family matter but a significant human rights and

¹² Akshita Saran, *The Protection and Welfare of Senior Citizens: A Comparative Study of Laws in India and Other Federal States*, 4(5) *International Journal of Law Management & Humanities* 1978 (2021).

welfare concern requiring active state intervention. The evolution of these laws demonstrates a shift from viewing elderly care solely as a moral duty toward recognizing it as a matter of enforceable legal obligation and social responsibility. While the legal framework has undoubtedly strengthened over time, effective protection of senior citizens ultimately depends upon coordinated efforts involving legal institutions, welfare mechanisms, social awareness, and community support systems. The challenge before the legal system is not merely to punish abuse or compel maintenance, but to create conditions in which elderly persons can live with dignity, security, and meaningful participation in society.

Other legal and welfare measures

Apart from dedicated legislations specifically enacted for senior citizens, the Indian legal system also provides several additional welfare and protective measures aimed at ensuring the dignity, security, and well-being of elderly persons. These measures operate through a combination of welfare policies, criminal law protections, healthcare schemes, and administrative initiatives intended to address the social and economic vulnerabilities associated with old age. The existence of such measures reflects the broader constitutional commitment toward social welfare and protection of vulnerable groups within society.¹³

One important area of protection arises from criminal law provisions dealing with offences frequently committed against elderly persons. Under the Bharatiya Nyaya Sanhita, acts such as criminal intimidation, cheating, assault, breach of trust, wrongful confinement, and property-related offences are punishable and often become relevant in cases involving elder abuse and exploitation. Senior citizens, particularly those living alone or possessing property, are vulnerable to financial fraud, coercion, and illegal dispossession. Legal remedies under criminal law therefore play an important role in safeguarding elderly persons from abuse and victimization.

The State has also introduced various welfare schemes intended to provide financial and social security to senior citizens. Schemes such as the Indira Gandhi National Old Age Pension Scheme provide financial assistance to economically weaker elderly persons, particularly those living

¹³ Rajive Raturi & Meghna Sharma, Legal Measures to Safeguard and Protect the Rights of Elderly, in *Ageing Issues in India: Practices, Perspectives and Policies* 245–258 (Springer Singapore 2022).

below the poverty line. Healthcare initiatives including concessional medical treatment, geriatric care programs, and priority services in public hospitals seek to address the physical vulnerabilities associated with ageing. Certain state governments have also established senior citizen helplines, old age homes, and special police cells for elderly assistance.

The National Policy on Older Persons, 1999 and the National Policy for Senior Citizens, 2011 further demonstrate governmental recognition of the need for integrated welfare mechanisms for senior citizens. These policies emphasize financial security, healthcare access, shelter, protection against abuse, and participation of elderly persons in social life. However, the practical implementation of many welfare measures remains inconsistent due to administrative limitations, inadequate infrastructure, and low public awareness.

Despite the existence of multiple welfare initiatives, elderly persons in India continue to face challenges arising from social neglect, economic dependency, and limited institutional support. This indicates that legal and welfare measures must operate alongside broader societal sensitization and stronger implementation mechanisms to ensure meaningful protection for senior citizens.

Challenges in Implementation

Despite the existence of multiple constitutional safeguards, statutory protections, and welfare schemes for senior citizens in India, effective implementation of these measures continues to face significant challenges. The gap between legislative intent and practical realization remains one of the most critical concerns in the protection of elderly rights. While laws such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 were enacted to provide speedy and accessible remedies, the functioning of implementation mechanisms often falls short due to social, institutional, and administrative limitations.¹⁴

¹⁴ Prawar Agrawal, Protecting the Rights of Senior Citizens in India: A Critical Analysis of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Impact on Elderly Welfare, SSRN (2025), available at SSRN 5146503.

One of the foremost challenges is the lack of awareness among senior citizens regarding their legal rights and available remedies. A considerable section of the elderly population, particularly in rural and economically weaker areas, remains unaware of maintenance rights, tribunal mechanisms, welfare schemes, and support services established for their protection. Illiteracy, digital exclusion, and limited legal literacy further deepen this problem. As a result, many elderly persons continue to suffer abuse and neglect without seeking legal assistance or institutional support.

Social and cultural factors also significantly hinder implementation. Elder abuse frequently occurs within family settings, where elderly persons are emotionally dependent upon their children or relatives. Fear of social stigma, emotional attachment, and concern for family reputation often discourage senior citizens from initiating legal proceedings against family members. In many cases, elderly persons tolerate neglect and abuse to avoid familial conflict or social isolation. This socio-cultural reality limits the practical effectiveness of legal remedies, particularly in matters involving maintenance and domestic abuse.

Institutional weaknesses constitute another major obstacle. Maintenance Tribunals established under the 2007 Act often suffer from inadequate infrastructure, shortage of staff, procedural delays, and inconsistent functioning across different states. In several regions, especially rural and semi-urban areas, access to tribunals, legal aid services, healthcare facilities, and welfare institutions remains limited. Old age homes and geriatric healthcare services mandated under the legislation are either insufficient or unevenly distributed, leaving many vulnerable elderly persons without adequate support.

Administrative coordination among different agencies also remains weak. Effective protection of senior citizens requires cooperation between legal institutions, police authorities, welfare departments, healthcare systems, and local administration. However, fragmented implementation and lack of monitoring frequently reduce the efficiency of welfare measures. Crimes against senior citizens are also underreported, leading to inadequate policy responses and limited institutional attention.

These challenges indicate that legal enactments alone cannot ensure meaningful protection of senior citizens unless accompanied by stronger implementation mechanisms, social awareness, institutional sensitivity, and community-based support systems. The effectiveness of elderly protection laws ultimately depends upon the ability of the legal system to respond to the complex social realities surrounding ageing, dependency, and family relationships.

Need for strengthening protection mechanism

The increasing vulnerability of senior citizens in contemporary society highlights the urgent need for strengthening existing legal and institutional protection mechanisms in India. Although several constitutional safeguards, welfare schemes, and statutory provisions have been introduced for the protection of elderly persons, the growing incidents of neglect, abuse, financial exploitation, and social isolation indicate that the present framework remains insufficient in addressing the complex realities faced by senior citizens. Protection of elderly persons cannot be limited to mere legislative enactment; it requires effective implementation, social awareness, and accessible support systems. One of the primary requirements is the strengthening of institutional mechanisms established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Maintenance Tribunals should function more efficiently through simplified procedures, timely disposal of cases, and better accessibility in rural and semi-urban regions. Legal aid and counselling services specifically designed for senior citizens are also necessary to assist elderly persons who are financially or emotionally incapable of pursuing legal remedies independently.

There is also a pressing need to enhance awareness regarding elderly rights and welfare schemes. Many senior citizens remain unaware of legal protections available to them, which reduces the practical effectiveness of welfare legislation. Public awareness campaigns, community outreach programs, and legal literacy initiatives can contribute significantly toward empowering elderly persons and encouraging reporting of abuse.¹⁵

¹⁵ Akshita Saran, The Protection and Welfare of Senior Citizens: A Comparative Study of Laws in India and Other Federal States, 4(5) *International Journal of Law Management & Humanities* 1978 (2021).

Equally important is the need for greater social sensitization toward ageing and elderly care. Legal mechanisms alone cannot effectively resolve issues rooted in changing family structures, declining social values, and emotional neglect. Strengthening protection for senior citizens therefore requires a coordinated approach involving legal institutions, families, civil society, healthcare systems, and community support networks. A rights-based and dignity-oriented approach toward ageing is essential for ensuring meaningful protection and social inclusion of senior citizens in India.

Conclusion

In conclusion, the protection of senior citizens has emerged as a significant socio-legal concern in India due to the rapid growth of the ageing population and the increasing instances of neglect, abuse, and exploitation faced by elderly persons. The Indian legal system, through constitutional principles, welfare policies, and statutory enactments such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has attempted to establish a framework aimed at safeguarding the dignity, security, and welfare of senior citizens. These legal measures reflect the constitutional vision of a welfare-oriented society committed to protecting vulnerable sections of the population.

Despite the existence of such protections, the practical implementation of laws and welfare schemes continues to face serious challenges arising from lack of awareness, institutional inefficiency, social stigma, and changing family structures. Elderly persons often remain dependent upon family members, making them vulnerable to emotional, economic, and physical abuse. The persistence of these issues demonstrates that legal protection alone is insufficient without effective enforcement and societal support.

The need of the present time is to adopt a more rights-based and dignity-oriented approach toward ageing. Strengthening institutional mechanisms, improving legal awareness, and promoting social responsibility are essential for ensuring that senior citizens are able to live with security, respect, and meaningful participation in society.

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