



AN ANALYTICAL STUDY ON ELDERLY RIGHTS AND JUDICIAL INTERVENTION IN INDIA

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ABSTRACT

The safeguarding of elderly individuals in India has become a prominent legal and social issue with evolving family dynamics and rising life expectancy. The Constitution of India does not specifically acknowledge older persons as a separate group; nonetheless, it establishes a robust framework for their protection via basic rights, including equality and the ability to live with dignity. Articles 14 and 21 have been judicially construed to protect older persons from discrimination, neglect, and abuse, therefore guaranteeing their social and economic security. The implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 signifies a pivotal advancement in establishing a formal legal framework for the maintenance and welfare of elderly individuals. The Act establishes regulations for maintenance tribunals, property safeguarding, and sanctions for desertion, so enhancing the legal framework for elder care. Moreover, personal laws and related acts further bolster these safeguards. Judicial action has been crucial in broadening and clarifying the rights of elderly individuals. Judicial bodies have tackled matters like access to legal counsel, maintenance responsibilities, and property entitlements, guaranteeing the effective realization of legislative meaning. Significant rulings have underscored dignity, autonomy, and access to justice for the elderly. Notwithstanding these legislative improvements, obstacles persist regarding awareness, implementation, and accessibility. The report emphasizes the necessity for a unified strategy incorporating legal, social, and administrative frameworks to guarantee the overall protection and welfare of older adults in India.

Keywords: Elderly ,Rights, Judicial , Intervention

1. INTRODUCTION

Although there are laws to safeguard the rights of elderly residents, problems including poor maintenance, abuse, neglect and danger to their well-being still occur. The court thus plays a critical role in guaranteeing the enforcement of these legislative provisions and protecting the welfare and rights of parents and older persons also in such circumstances. Nobel laureate Amartya Sen emphasizes that "freedom" constitutes the core of rights, whereas Justice J.S. Verma identifies "dignity" as the fundamental element of rights for human beings[4]. In interpreting the concepts of freedom and dignity, elderly citizens possess complete freedom without prejudice, as they contribute significantly to both family and society, allowing them to live a happy and dignified existence till the end of their days. According to Amartya Sen, human resource development, distributive justice, gender justice,

sustainable development, poverty alleviation, and inclusive democracy with substantive equality should be the priorities of the human rights strategy for the 21st century, especially in India. In addition to these verdicts, the Supreme Court and High Court have construed several statutes favourably to safeguard the weakest segments of society, including the elderly.[1]

1.1 Population of India's Elderly

In India, the number of those aged 60 and beyond is steadily increasing, rising from around 6% in 1971 to over 7% in 2001, rising from 8.4% in 2011 to approximately 10.1% in 2021 and projected to reach 21% by 2081. Today, independent India has adopted a development-oriented approach through various welfare initiatives, supported by continuous advancements in science and technology. The infrastructure of health institutions has significantly impacted the lives of ordinary individuals. By 2050, experts predict that the number of seniors would have tripled, reaching 300 million. This would make up 20% of the total population of the country. Contemporary India, characterized by its youthfulness, will evolve into a swiftly aging society in the forthcoming decades. The high population expansion has made it challenging for older folks to adapt to their offspring due to generational differences and divergent perspectives. The result is that the elders must acquiesce to the preferences of the juniors for the sake of familial harmony. If it does not occur, the lives of the elderly become agonizing, leading them to feel unloved. The current situation in India lacks adequate community care for the elderly. Consequently, the elderly experience a multitude of household, public, financial, mental, and sensitive issues.[2]

1.2 Conception, Care and Problems of Elderly Persons in India

This paragraph discusses the concepts and definitions of old age and human rights, as well as the care and issues faced by older individuals from both national and international viewpoints. Currently, the status of older citizens has grown increasingly precarious, since younger individuals perceive them as a burden. Consequently, older persons are encountering several issues, including social, physical, and financial instability. This has forced the majority of older individuals to rely on their savings or their provident fund and gratuity, the value of which diminishes daily. This situation is worsening due to the lack of appropriate safety nets for the elderly. Consequently, it has become imperative to offer social security for the elderly. The contemporary socio-economic framework has rendered old age a significant social issue; the loss of productive job results in diminished status, while the death of a spouse may precipitate the loss of house and the prestige formerly had as the family head. The loss of friendships and declining vitality also affect social standing. Old age encompasses the last stages of life, following youth and middle age. The onset of old age cannot be uniformly defined, as it varies depending on the circumstances. The United Nations has determined that those aged 60 and above are often classified as elderly. One is considered as "older person" if he or she is sixty-five years old or older, according to the Older Person Act of 2006. Anyone sixty years of age or older is considered an old person. In the developing world, old age is defined as commencing after 50 years, but most developed Western nations establish the threshold for old age at 60 to 65 years for retirement and eligibility for social programs.

1.3 Challenges Faced by Senior Citizens

Aged adults have a variety of interconnected issues that impact their physical, emotional, and social welfare, especially as societies progress and conventional support systems deteriorate. Main challenges faced by senior citizens in India includes:

- I. **Economic Insecurity:** Numerous seniors possess insufficient pensions or savings, rendering them reliant on familial or governmental assistance. Digital banking and financial fraud present significant concerns.
- II. **Health Concerns:** Access to geriatric care and mental health treatments is restricted. Chronic ailments such as arthritis, diabetes, and cardiovascular disorders are prevalent.
- III. **Restricted movement and cognitive deterioration :** The autonomy of older persons is further diminished by cognitive impairment and limited mobility, which restrict their capacity to undertake everyday tasks independently and to make educated judgements. Physical limitations (e.g., impaired mobility) due to ageing, including diseases such as dementia and Alzheimer's disease, are commonly associated with increased dependency on family members or carers for ordinary activities. These obstacles impair their quality of life and make them more vulnerable to neglect, abuse and social isolation.
- IV. **Elder Abuse :** Elder abuse includes physical, mental, and financial maltreatment, frequently perpetrated by caretakers or family members, remains a concealed yet grave concern. Social Isolation: Urbanization and nuclear households foster loneliness

2. STATUTORY FRAMEWORK

The MWPSA Act, (Maintenance and Welfare of Parents and Senior Citizens) 2007

The primary legislation is the Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act, 2007.

I. Support Obligations: Parents and grandparents who are unable to maintain themselves can claim monthly support from their children or legal heirs, up to a maximum of ₹10,000 per month.

II. Property Rights: Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides that if a senior citizen has transferred a property either in the form of gift or any other mode on the condition that the transferee shall provide basic amenities and basic physical needs and the transferee fails to fulfil that obligation, the transfer can be declared as void by the Maintenance Tribunal on the ground that it was a transfer made by fraud, coercion or undue influence.

III. Protection Against Abandonment: Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 states that any person who has the care or protection of a senior citizen and wilfully abandons such senior citizen shall be guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ₹5,000, or with both[3].

IV. Tribunal System: Summary procedures conducted by specialized tribunals aim to provide fast and economical justice.

3. OBJECTIVES OF THE STUDY

1. To study on Senior Citizen Population in India
2. To study on Statutory Framework: The MWPSA Act, 2007

4. RESEARCH METHOD

This study employs a doctrinal legal research technique, concentrating on the examination and interpretation of current legal frameworks, court rulings, and constitutional provisions pertaining to the protection of elder people in India. The study is predominantly qualitative and relies on secondary data sources. The Indian Constitution, pertinent portions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, personal legislation, and welfare programs are heavily cited in this paper. The examination of constitutional provisions, including Articles 14 and 21 of the Constitution of India, aims to elucidate their function in safeguarding equality, dignity, and protection for senior individuals. A crucial aspect of the process is the examination of court rulings issued by the Supreme Court of India and many High Courts. Significant cases concerning maintenance rights, property protection, access to justice, and elder abuse have been meticulously analysed to assess the changing judicial perspective on the welfare of elderly citizens. An examination of case law elucidates how courts construe statute provisions and constitutional demands in practical applications. The study employs a descriptive and analytical methodology, carefully reviewing and critically assessing law provisions and court judgments to discern strengths, weaknesses, and implementation gaps. Furthermore, a comparative analysis has been employed when appropriate, using international frameworks such as United Nations principles on the rights and welfare of older individuals, to situate the Indian legal system within a wider global context. Additionally, papers, journal articles, government publications, and records from organizations like Help Age India have been reviewed to comprehend the socio-legal challenges encountered by aged folks. This facilitates the connection between theoretical legal provisions and their practical implementation.[4]

5. RESULT AND DISCUSSION

Special rights for older persons are not specifically mentioned in the Indian Constitution but many constitutional measures have been made to protect their dignity, welfare and social security. The right to life and personal liberty is guaranteed under Article 21, which has been construed by the judiciary to include the right to live with dignity. Likewise, the Directive Principles of State Policy, viz. Articles 38, 39(e), 41 and 46, require the State to promote social justice, give public assistance in instances of old age, protect vulnerable individuals from exploitation and secure the welfare of weaker groups. These provisions of the Constitution form the basis of legislative actions and welfare programs for the protection of rights and well-being of older citizens in India.

5.1. PROTECTION UNDER THE CONSTITUTION FOR SENIOR CITIZENS IN INDIA

Despite the lack of formal recognition of elderly persons as a separate category in the Indian Constitution, they are nonetheless guaranteed liberty, dignity, and equality through specific fundamental rights:

1. **Article 14** - Right to Equality: Prohibits arbitrary discrimination based on age, handicap, or socio-economic position; guarantees equal legal protection for all individuals.
2. **Article 21**- The right to shelter, healthcare, and protection against neglect, abuse, and involuntary loss of security are all part of the fundamental right to life and personal liberty guaranteed by Article 21. A constitutional basis for protecting the elderly has been established by the judiciary's constant upholding of the fundamentality of dignity and security to Article 21.[7]

3. **Article 38** - This Article mandates that the state must endeavour to promote the welfare of its citizens by instituting and safeguarding a social order characterized by social, economic, and political equity across all national institutions. The state must endeavour to mitigate disparities in income, position, resources, and opportunities among persons and groups.
4. **Article 47** - The state must prioritize the enhancement of its citizens' nutrition and living standards, along with the advancement of public health, and shall strive to prohibit the consumption of intoxicating beverages and harmful medications.

6. STATUTORY LAWS THAT PROTECT OLDER PEOPLE

6.1 The Housing and Care for Parents and Senior Citizens Act of 2007

The 2007 Maintenance and Welfare of Parents and aged Persons Act is India's main aged protection law. It was created to make it easy and quick for older people to seek support from their children or heirs. Key Act Features

- I. **Maintenance of Senior Citizens:** Under Sections 4 and 5 of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, maintenance of senior citizens who are unable to sustain themselves from their own wages or property is provided. These regulations empower the qualified older folks to seek monthly maintenance from their offspring or selected relatives via the Maintenance Tribunal which will take care of their basic requirements and they may live with dignity. [8]
- II. **Maintenance Tribunals:** Specialised tribunals for quick resolution of elder maintenance disputes. They can seek regular maintenance up to the legal limit and handle issues quickly.
- III. **Section 23: Property Transfer Reversal:** Seniors can recover transferred property if the heir fails to provide necessary support.
- IV. **Abandonment (Section 24):** Deliberately abandoning a senior person to cause grief is a penal offence that may result in imprisonment, a fine, or both.

6.2 Personal Laws

I. Section 20 of the Hindu Adoptions and Maintenance Act, 1956, (done)

Helping out old parents who couldn't take care of themselves was a requirement of personal legislation like Section 20 of the Hindu Adoptions and Maintenance Act, 1956, which was in place before the 2007 Act.

Rules that are relevant and indirectly helpful to the elderly also include:

ii. Persons with Disabilities Act, 2016 (done)

While the Rights of Persons with Disabilities Act, 2016 does not specifically target the elderly, it does protect disabled individuals from discrimination and promote accessibility and inclusion.

iii. The National Policy on Older Persons (done)

The National Policy on Older Persons is just one of many social welfare programs that steer official assistance programs; nonetheless, these programs are more like policy vehicles than binding laws.[9-11]

7. Legal Analysis and Judicial Approach towards Implementation of Elderly Rights (done)

The Indian judicial system has read the Act of 2007 and constitutional protections in a way that ensures the strong enforcement of elderly rights.

8. Legal Counsel for Maintenance Hearings

Legal representation is an essential component of justice, and in the case of *Adv. KG Suresh v. Union of India (Kerala High Court)* it was determined that the tribunal's restriction on it under Section 17 of the 2007 Act was unconstitutional. The court ruled that elderly litigants should not be denied access to legal counsel. [5]

In *Baban Sukru Tambe v. Union of India & Others*, the Nagpur Bench of the Bombay High Court declared Section 17 of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, which barred legal representation before the Maintenance Tribunal, unconstitutional. The Court said denial of legal counsel to older individuals is against the principles of natural justice and obstructs their effective access to justice[6].

Ashwani Kumar v. Union of India, (2019) 2 SCC 636; The Supreme Court emphasised that the welfare and dignity of older individuals are intrinsic part of the right to life protected under Article 21 of the Constitution. The Court urged the Central and State Governments to execute the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, create old-age homes, enhance healthcare facilities for older citizens and guarantee proper publicising of welfare programs. The judgement reiterated the constitutional role of the State to defend the rights, dignity and well-being of elderly persons.

S. Vanitha v. Deputy Commissioner, Bengaluru Urban District, (2021) 15 SCC 730; The Supreme Court dealt with the relationship between the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Protection of Women from Domestic Violence Act, 2005. The Court ruled that elderly persons have the right to seek eviction and protection of their property under the 2007 Act, but the remedy must be balanced with the statutory rights of women in a shared home under the Domestic Violence Act. The judgement placed emphasis on a balanced approach which preserves the rights and dignity of senior people and women at the same time ensuring that justice is meted out without destroying the objective of either statute.

9. Responsibilities to Family and Maintenance

1. Right to Live with Dignity and Autonomy

Upholding the dignity and autonomy of senior citizens to choose their living arrangements, the Nagpur Bench of the Bombay High Court, in *Vijay s/o Sheshrao Ugale v. Kesarbai w/o Sheshrao Ugale & Others*, Writ Petition No. 3027 of 2024 (Bombay High Court, Nagpur Bench, decided on 19 June 2025), held that *the Maintenance and Welfare of Parents and Senior Citizens Act, 2007* does not require elderly parents to reside with abusive or violent children as a precondition for claiming maintenance. The Court observed that compelling senior citizens to cohabit with abusive children would defeat the very object of the Act, which is to ensure their dignity, welfare, and security.

2. Liability of Relatives to Maintain Childless Senior Citizens

The Kerala High Court, in *S. Sheeja v. Maintenance Appellate Tribunal & Others*, Writ Appeal No. 1301 of 2019, 2025:KER:58578 (Kerala High Court, decided on 7 August 2025), held that the obligation to maintain a childless senior citizen under the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* is confined to those relatives who qualify as "legal heirs" under Section 2(g) of the Act. The Court clarified that a person cannot be compelled to maintain a childless senior citizen merely because he or she possesses or may inherit the senior citizen's property unless the statutory definition of "relative" is satisfied [6].

10. Reversing a Property Transfer and Enforcing Rights

The *Maintenance and Welfare of Parents and elderly persons Act, 2007* is enacted to preserve the rights, dignity and property interests of the elderly persons. In *Urmila Dixit v. Sunil Sharan Dixit & Others*, (2025) 2 SCC 787, the Supreme Court supported the ability of a senior person to reclaim property entrusted to her son under Section 23 of the Act on the ground of his failure to perform his duties to provide maintenance and care. The Court was of the view that the Act is a positive social welfare policy and has to be read generously to further its goal of safeguarding older residents. The judgement also held that the Maintenance Tribunal is empowered to declare such transactions as invalid and return ownership of the property to the older citizen. This judgement is indicative of the judiciary's dedication to the dignity, security and property rights of old individuals and to the effective implementation of their statutory rights.

The study indicates that the Supreme Court of India has construed Article 21 of the Constitution to encompass the right to live with dignity, which applies to old citizens. The Courts have mandated the government to guarantee the effective execution of welfare legislation and to establish sufficient infrastructure, including senior citizen residences and healthcare services.

Nevertheless, the findings reveal substantial deficiencies in execution. Notwithstanding robust legal protections, some elderly adults persist in experiencing neglect, abuse, and financial instability. Insufficient knowledge, procedural hindrances, and inadequate enforcement methods diminish the efficacy of current legislation. The research indicates that older persons in rural areas are more susceptible owing to restricted access to legal recourse and social support networks.

11. Discussion

The safeguarding of older persons in India should be comprehended within the wider context of Constitutional principles, Legislative purpose, and Judicial intervention. The Constitution does not officially designate aged folks as a distinct class; yet, its provisions, notably Articles 14 and 21, function as robust instruments for protecting their rights. Article 14 protects legal equality, thereby preventing discriminatory activities against the elderly, and Article 21 has been extensively interpreted to include the right to live with dignity, which is especially important for vulnerable populations like as senior citizens.

The passage of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was a watershed moment in the legal protection of elderly people. The Act establishes a pragmatic and accessible framework for asserting maintenance claims, therefore tackling a critical concern for elderly citizens—financial reliance. The creation of maintenance tribunals facilitates a more expedient and informal conflict settlement procedure, which is especially advantageous for older individuals who may have

physical and financial limitations in visiting conventional courts. One of the important aspects of the *Maintenance and Welfare of Parents and Senior persons Act, 2007* is Section 23 which allows for reversal of property transfers undertaken by senior persons if the transferee fails to pay the promised maintenance and care. This protection against exploitation was reiterated by Supreme Court in *Urmila Dixit v. Sunil Sharan Dixit & Others*, (2025) 2 SCC 787. This clause acknowledges the socio-cultural setting in India, where property is frequently bequeathed to children with the anticipation of care and assistance. [12] Likewise, the punitive measure of abandonment underscores the gravity of neglect and mistreatment experienced by older folks. Judicial interpretation has significantly reinforced these legislative provisions. The courts have not only facilitated the execution of the Act but have also tackled its limits. Judicial rulings that invalidate limitations on legal representation have strengthened the idea of access to justice, which is crucial for successful legal protection. Judicial bodies have elucidated the extent of maintenance responsibilities and underscored that elderly individuals should not be obligated to tolerate harsh living circumstances to assert their rights. The conversation simultaneously uncovers specific structural concerns. Notwithstanding the presence of comprehensive legal frameworks, some older folks remain uninformed of their rights or face obstacles in obtaining legal remedies due to procedural and infrastructural impediments. Maintenance tribunals, while intended for efficiency, frequently encounter challenges like delays, insufficiently qualified staff, and uneven application between jurisdictions. Furthermore, the evolving dynamics of family formations, urbanization, and migration have undermined traditional support systems for the elderly, heightening their susceptibility. In this context, legal remedies alone are inadequate. A comprehensive strategy is required that combines legislative protection with social welfare initiatives, healthcare services, and community support networks. In summary, although the constitutional and legal structure offers a robust basis for safeguarding older persons in India, its efficacy relies on diligent execution, judicial oversight, and social dedication to preserving the dignity and welfare of the aged.[13-14]

12. CONCLUSION

The legal structure safeguarding older persons in India embodies a gradual amalgamation of constitutional principles, statute provisions, and judicial interpretation. Fundamental rights, namely Articles 14 and 21, establish a robust constitutional foundation for guaranteeing equality, dignity, and security for senior citizens. The judiciary has widely interpreted these values to include right to live with dignity, access to health treatment and protection from abuse and neglect. The Maintenance and Welfare of Parents and Senior Individuals Act, 2007, has notably fortified the legal standing of senior individuals by instituting a definitive framework for asserting maintenance claims and protecting their property rights. The Act's stipulations, encompassing maintenance tribunals, annulment of property transactions, and sanctions for abandonment, illustrate a targeted legislative initiative to mitigate the vulnerabilities of elderly individuals. Judicial rulings have bolstered these safeguards by guaranteeing equitable access to justice, acknowledging the autonomy of senior citizens, and averting the exploitation of legal statutes. Judicial bodies have been essential in invalidating restrictive measures, elucidating the responsibilities of family members, and preserving the dignity and autonomy of elderly individuals. Nonetheless, the efficacy of these legislative measures is frequently obstructed by obstacles such as insufficient knowledge, procedural delays, and constrained institutional support. The disparity between legislation and implementation persists, hindering the actualization of rights for numerous older citizens, especially in rural and economically disadvantaged areas. In conclusion, although India has established a comprehensive legal and judicial framework for the protection of the elderly, there is an urgent necessity for enhanced implementation, increased awareness, and improved coordination between legal and social welfare systems to guarantee that senior citizens can live with pride, safety, and admiration.

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