



THE LEGAL FRAMEWORK FOR THE PROTECTION OF SENIOR CITIZENS IN INDIA

Sristi Singh*

ABSTRACT

When talking about Indian society, elderly people are respected and considered the backbone of the family in a civilised society. Due to modernity, our society is moving toward individuality, meaning the younger generation is thinking about themselves first in most cases, like seeing their elders as a burden. As the population of elderly continues to grow, many of them have to face serious issues like poverty, loneliness, lack of access to healthcare, age-based prejudice, isolation, dependence and, most seriously, exploitation by their own family, like abuse, neglect and financial abuse. The present legal framework tends to protect vulnerable elders. This article discusses the rights of older persons and how a change can be brought by improving the system for the betterment of senior citizens of India.

Keywords: Elderly Rights, Senior Citizens, Age Discrimination, Indian Constitution.

INTRODUCTION

Senior citizens in our country have an important role. In an Indian family, elders act as a guide, protector and supporter for the younger ones. According to the 2011 census, the percentage of people who are 60 years of age or older who make up the population was 8.6%. So, it can be seen how a large part of Indian traditional society had its elderly members in their homes. There is a different story about how fast dynamics are changing: the same family which had its elders guiding them are now considering them as a burden. In India, every day we hear cases of negligence, abuse and exploitation of senior Citizens; that's why there is a certain legal framework that is present to provide care and support for the elderly. To address these serious issues, the government has passed numerous laws, established social programs and set legal

*BA LLB, FOURTH YEAR, CITY ACADEMY LAW COLLEGE.

precedents over time to defend senior citizens' rights to healthcare, financial security, and a decent life.

Present Legal Frameworks for Senior Citizens: Presently, there are certain main frameworks such as Constitutional Protections, Statutory laws and financial and social security policies. Let's understand this with further explanation.

CONSTITUTIONAL PROTECTIONS

Article 41: Right to work, to education and to public assistance in certain cases: The State shall, within the limits of economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 46: Promotion of educational and economic interests of the weaker sections of the people and shall protect them from social injustice and all forms of exploitation.

However, these provisions are included in Chapter IV, which is the Directive Principles of the Indian Constitution. Whereas Article 37 is not enforceable in any court of law. But Directive Principles impose positive obligations on the state, i.e. what it should do. Because they are unenforceable in law, it raises a question mark on legislation as to why they have not taken important steps to make them enforceable in certain matters.

LEGAL PROVISIONS

Maintenance and Welfare of Parents and Senior Citizens Act, 2007: The Act is a comprehensive legal framework addressing the needs of senior citizens. It empowers childless senior citizens to claim maintenance from relatives possessing or set to inherit their property. State-mandated tribunals expedite maintenance cases, with a monthly allowance of rupees 10,000. Provisions include imprisonment for default, appeals to appellate tribunals within 60 days, summary proceedings, and restrictions on legal practitioners to reduce costs.

The Act emphasises establishing old-age homes, ensuring shelters for 150 senior citizens in each district, and grants seniors the right to cancel property transfers. It also imposes punishment for the abandonment of parents or seniors by those responsible for caring for them.

Code of Criminal Procedure: The code provides legal provisions related to the claim of maintenance in case of a wife, child and also for elderly parents. This goes with other personal laws to ensure that elderly individuals have a legal right to seek financial support from their children or legal heirs. Under Section 125 of the CrPC, parents regardless of their religious or community background, have the legal right to claim maintenance from their children, including both sons and daughters. When sufficient means are present and parents can't maintain themselves, then these provisions can be applied.

Personal Laws: There are different types of personal laws in India which play an important role in defining rights and entitlement of senior citizens.

Hindu Adoption and Maintenance Act, 1956: Section 20 of this Act grants parents, both natural and adoptive, the right to claim maintenance from their sons and daughters if they are unable to maintain themselves. The only exception is that step-parents with their own children cannot claim maintenance from their step-children.

Muslim Law: Under Muslim personal law, both sons and daughters are obligated to maintain their parents if they are poor and have the means to do so. Since adoption is not recognised in the Muslim community, the personal law remains silent on the right to maintenance of adoptive parents.

Christian and Parsi Law: Christian and Parsi personal law do not explicitly mention provisions for maintenance regarding parents. In such cases, parents from these communities seeking maintenance from their children may need to claim it under Section 125 of the Code of Criminal Procedure.

INSTITUTIONAL WELFARE PROGRAMS

Atal Vayo Abhyuday Yojana (Avyay): The main objective of the scheme is to improve the quality of life of the senior citizens by providing basic amenities like shelter, food, medical care and entertainment opportunities and encouraging productive and active ageing through providing support for capacity building of the State/UT Governments/Non-Governmental Organisation (NGO)/Panchayati Raj institutions (PRIs)/local bodies and the community at large.

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 introduced significant reforms to strengthen protection for the elderly population. The Amendment broadened the definition of “children ” to include step-children, adoptive children, children-in-law, and legal guardians of minor children, while “parents” now encompasses parent-in-law and grandparents. A key financial reform removed the INR 10,000 monthly maintenance ceiling, allowing tribunals to determine appropriate amounts based on the senior citizen’s living standards by mandating that senior citizens lead a “life of dignity” rather than a merely “normal life”.

To enhance safety, the Amendment required the appointment of a Nodal Officer for senior citizens in every Police Station and the establishment of a Special Police Unit for senior citizens in each district. The Bill also introduced homecare services for senior citizens with physical and mental impairments affecting daily activities, expanded “maintenance” to include healthcare, safety, and security, and broadened “welfare” to encompass housing, clothing, safety, while mandating that all hospitals, including private facilities, provide dedicated queues, beds, and geriatric care for senior citizens.

KEY CHALLENGES

There are certain challenges in the framework established by the legislation:

Missing Legal Safeguards for Elder Abuse: One of the important points is that there is no protection given directly to them by the legislation; it either goes on for years without any action, or other issues come with it. Senior Citizens are frequently coerced into transferring property to children or relatives under promises of care that go unfulfilled, and litigation delays discourage them from pursuing remedies; illiteracy, financial dependence, and social stigma around suing one's own family further limit access to justice.

Weak Implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007: Though the 2007 Act mandates maintenance by children/relatives and establishes Maintenance tribunals, enforcement remains poor due to lack of awareness, understaffed tribunals, and inconsistent state rules. Many Senior Citizens are unaware of their right to seek maintenance or eviction of abusive relatives from their own property.

In *S.Vanitha v. Deputy Commissioner, Bengaluru Urban District* (2020), the Supreme Court held that the rights of senior citizens under the 2007 Act can override claims under the

Domestic Violence Act in certain circumstances, prioritising the elderly parent's right to peaceful residence. In *Ashwani Kumar v. Union of India* (2019) 2SCC 636, the court directed the Centre and states to ensure effective implementation of the Act, including setting up sufficient Tribunals and old-age homes.

CONCLUSION

India's legal framework for senior citizens- anchored in the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and constitutional guarantees under Articles 41 and 46- reflects positive intent but suffers from weak implementation, limited awareness, and gaps in addressing abuse, property exploitation, and access to justice. Judicial pronouncements have progressively strengthened elder rights, yet a truly effective framework requires stronger enforcement mechanisms, faster Tribunal proceedings, greater public awareness, and recognition of elder care as a justiciable right rather than a mere directive principle. Only through coordinated legislative, judicial, and social action can India ensure a life of dignity and security for its senior citizens.

REFERENCES

1. *Ashwani Kumar v. Union of India*, AIR 2018 SC (SUPP) 2541.
2. 'Balancing Domestic Violence Protections and Senior Citizens' Rights: Insights from S. Vanitha v. Deputy Commissioner' (*CaseMine*) <https://www.casemine.com/commentary/in/balancing-domestic-violence-protections-and-senior-citizens%27-rights%3A-insights-from-s.-vanitha-v.-deputy-commissioner/view> accessed 20 September 2026.
3. Kant S and Kumar A, 'Legal Protection to Elderly Persons' Rights in India: A Socio-Legal Study in Present Context' [2024] 7(1) Asian Journal of Convergence in Research 245.
4. 'Senior Citizen Rights' (*CrPC.in*) <https://www.crpc.in/senior-citizen-rights.php> accessed 20 September 2026.
5. *S Vanitha v Deputy Commissioner, Bengaluru Urban District* (2020) 15 SCR 722.
6. The Maintenance and Welfare of Parents and Senior Citizens Act 2007 <https://socialjustice.gov.in/>