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Reconceptualising Elderly Rights in India through Globalization: A Shift from Welfare to Entitlement

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ABSTRACT

India is currently experiencing a demographic revolution due to an unprecedented rise in the absolute and relative size of its elderly population. The care and protection of the elderly population were deeply integrated into the moral values of the traditional joint family system, where the care of ageing members was considered a sacrosanct duty of the younger generation. However, in the advent of globalisation as initiated by economic reforms in 1991, India is going through a series of structural changes in its traditional values of caring for its ageing population. Urbanization and migration of the younger population alter traditional joint family structures into a nuclear family structure, resulting in a 'crisis of caring' for the elders. This study is aimed to analysis the evolution of elderly rights in India from informal values of caring for each other to a formal and legalistic approach of rights-based caring. This evolutionary change is predominant under the Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act of 2007 and other allied statutory provisions. Indian Judiciary also takes an unmistakable move toward prioritization of the dignity, autonomy, and security of the elderly in a globalized community. This study reveals that although the legislative achievements are considerable, the viability of these rights depend upon the closing of the implementation gap, digital inclusion, and the creation of a social spirit that views the elderly population as active participants rather than passive recipients.

Keywords: *Elderly Rights, Senior Citizens, Care and Protection of Older Persons, Aging Population of India, Impact of Globalisation on Elders.*

I. INTRODUCTION

The senior citizens in India have always had privileges within the conventional social framework, where needs of the elders remained a moral duty of younger generation of the family.¹ The World Health Organisation (WHO) projected that the global population of individuals aged 60 years and above will nearly double from 12 percent to 22 percent in between

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¹Arvind K. Joshi, 'Globalization and Aging in India', *The International Journal of Social Quality*, Vol. 1 No. 1 (Summer 2011), pp. 33-44.

2015 and 2050.² Similarly, India is also experiencing a swift demographic shift due to an unprecedented rise in the absolute and relative size of its elderly population which is predicted to around 23 crores by 2036 and making about nearly 1 in 7 people of the Indian population will be senior citizen.³ Thus, India while having a similar trend, is expected to have the largest number of elderly people globally in near future.

On the other hand, Indian society is drastically changing since globalisation and urbanisation brought lot of changes in the Indian culture.⁴ Dr. C. Rangarajan, former Governor of the Reserve Bank of India (RBI), signifies 'Globalisation means integration of economics and societies through cross country flow of information, ideas, technologies, goods, services capital, finance and the people'.⁵ The essence of globalisation in a wider context is connectivity in all facets of human life. Cross border integration can have multiple facets, such as cultural, social, political and economic.⁶ Although, globalisation has modernised the infrastructure and accelerated economic growth of the country, it has put a strain on the social life of the people. India's traditional social approach, where family is the primary and fundamental source of support for the elderly, are now being compromised and challenged due to several outcomes of the globalisations, such as, migration, urbanisation, shifting cultural norms, and less reliance on conventional sources of income by families.⁷ Consequently, India has evident not only an erosion of social institutions and values, rather a significant concern towards crisis of adequate support for the elderly has been emerged into the society at large.

II. STATUS OF ELDERLY IN PRE-GLOBALISATION ERA

‘अतिथिर्बालकः पत्नी, जननी जनकस्तथा। पञ्चैते गृहिणः पोष्या, इतरे च स्वशक्तिः॥’ This famous Sanskrit verse outlines the core responsibilities of a householder (*Grihastha*) and it means the primary moral and ethical obligation of a householder to ensure well-being of his guest, children, wife, mother, and father. Furthermore, he should provide nourishment for residuary depending on his abilities.⁸

² Ageing and Health, World Health Organisation, (Oct.1, 2025), available at: <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>

³Elderly in India: Population, Challenges, and Government Initiatives, Press Information Bureau, Delhi (Oct. 28, 2025), available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2183196®=3&lang=2>

⁴Y.Gurappa Naidu, 'Globalisation and its Impact on Indian Society', *The Indian Journal on Political Science*, Vol.67 No. 1 (Jan.-Mar.,2006) pp. 65-76.

⁵*Ibid.*

⁶*Ibid.*

⁷Dr. K Madan Gopal *et.al.*, 'Senior Care Reforms in India - Reimagining the Senior Care Paradigm: A Position Paper', *NITI Aayog, Government of India*, (Feb. 2024), pp. 9-10.

⁸ Swami Gyanolokananda, *MULYOBODHE DHYANYA JIBON*, Ramakrishna Mission Swami Vivekananda's Ancestral House and Cultural Centre, Kolkata (2nd ed., 2021) p.270.

Indian society is customarily featured with the joint family system, a sacred institution deriving sanction from Hindu values and social traditions.⁹ The patriarchal joint family system structurally consists of multiple living generations (at least three), which *inter-alia* includes grandparents, parents, uncle-aunts, nieces and nephews under a shared household, utilize common kitchen, and even often spends from a common monetary fund.¹⁰ Hierarchical dynamics within the traditional joint family structure are guided by the principles of ‘*Grihastha Dharma*’, emphasizing upon the moral duty, respect for elders, and collective decision-making. The concept of ‘*Dharma*’ and family responsibility, as outlined in the Vedic literature and the Ancient Hindu texts, laid down the foundations for roles and obligations of individuals within the family.¹¹ The elderly, particularly the patriarch or *Karta*, occupied a central position of authority, serving as the ultimate decision-maker and advisor for the entire household. This joint family structure was quite beneficial also for the aged as it guaranteed emotional support, physical care, and even financial security to them due to united living culture and collective labour of every family member.¹² On the other hand, in the contemporary era of globalisation, the rise of a global labour market and the demand for urban professionals have led to mass internal and international migration of the younger generation.¹³ The elderly has shifted from being the ‘*Karta*’ or decision-making head of the household to a marginalized position due to individualistic values, a by-product of global cultural homogeneity, often prioritize personal growth over multi-generational cohesion.¹⁴

Disintegration of this Indian joint family system was predominantly pioneered during the British colonial era, mostly by way of introducing various statutory measures regarding land laws, family and personal laws.¹⁵ These arbitrary colonial legal measures not only disrupted the traditional economic structures of the joint family system, rather it paved the way for its transformation into ‘Nuclear Family’ consisting of parents and children only. After independence, this transition was not a sudden collapse of the joint family, rather a long-term

⁹ C.N. Sankar Rao, *Sociology: Principles of Sociology with an introduction to social thought*, S. Chand Publishing, New Delhi, (6th ed., 2007) p. 358.

¹⁰ Rakesh K Chadda and Koushik Sinha Deb, ‘Indian family systems, collectivistic society and psychotherapy’, *Indian Journal of Psychiatry*, vol. 55 (Suppl 2), Jan. 2013, pp. S299-S309.

¹¹ A.L. Basham, *THE WONDER THAT WAS INDIA: A SURVEY OF THE CULTURE OF THE INDIAN SUB-CONTINENT BEFORE THE COMING OF THE MUSLIMS*, Rupa & Co., Calcutta, (1st ed., 1954).

¹² See, Dr. Vinay Kumar Sinha, *The Globalization Effect: Reshaping Indian Family Dynamics*, *Young Researcher*, Vol. 12 No. 4, Oct.-Nov.-Dec., 2023, pp. 1-9.

¹³ Jajati Keshari Parida and K. Ravi Raman, ‘India: rising trends of international and internal migration’, Anna Triandafyllidou (Ed.), *HANDBOOK OF MIGRATION AND GLOBALISATION* (Edward Elgar Publishing, UK & USA, 2018) pp. 226-245.

¹⁴ Dr. Sarvamangala, ‘Impact of Globalization on Family System’, *International Journal of Novel Research and Development*, Vol.3(12), 2018 pp.97-100.

¹⁵ Partha Chatterjee, *THE NATION AND ITS FRAGMENTS: COLONIAL AND POSTCOLONIAL HISTORIES*, Princeton University Press, New Jersey (1993) p. 9.

structural adaption driven by three primary forces of urbanisation, industrialization, and modernization.¹⁶ Indeed, it renegotiated its boundaries for several decades with the rise of the ‘Supplemented Nuclear Family’, where an unmarried relative, a younger brother of the husband and wife, or an elderly uncle or aunt stays with the family.¹⁷ It survived by becoming more flexible but paving the way for more drastic changes that followed in the era of globalisation.

III. IMPACT OF GLOBALISATION ON INDIAN SOCIETAL STRUCTURE

In 1991, the Indian Government to cop up with the extreme financial crisis of the country, marked a major shift of the economic strategy by introducing LPG (Liberalization, Privatization, and Globalization) model under the New Economic Policy (NEP) of 1991.¹⁸ These economic reforms were aimed to accelerate economic growth *inter-alia* by reducing government restrictions on Industrial licencing (liberalization), decreasing fiscal burden of the government by shifting ownership and management of state owned undertakings to private sectors (privatization), encouraging free flow of trade, capital, and technology across borders (globalisation).¹⁹ *Per contra*, this LPG model served as a catalyst for profound socio-structural changes in India by incorporating new modes of economic participation that prioritised geographic and occupational mobility.²⁰ It further adversely impacted the elderly population of the country by way of rise of the ‘Money-Order Economy’²¹, nuclearization of the family, and cultural shift toward individualism. Predominantly, the Census of 2011 reveals that the joint family system reduced to just 16 percent in India and 50 percent of the Indian families are nuclear household since 1990s.²²

One prominent critique of the India’s economic reforms is that it has overemphasised industrial and trade policy while disregarding the agricultural sector which employs 60 percent of the country’s population.²³ Consequently, younger generations are compelled to migrate in urban areas or abroad to avail better education and career opportunities. The ‘small flat culture’ of

¹⁶M. N. Srinivas, VILLAGE, CASTE, GENDER, AND METHOD: ESSAYS IN INDIAN SOCIAL ANTHROPOLOGY, Oxford University Press, Delhi (1996); *see also*, *supra* note 7 at p.364.

¹⁷ Subodh Varma, “‘Supplemented nuclear’ families’ make 16% of Indian households”, *Times of India*, Jul. 5, 2017, *available at*: <https://timesofindia.indiatimes.com/india/supplemented-nuclear-families-make-16-of-indian-households/articleshow/59449874.cms>.

¹⁸Dr. Anju Garg, ‘LPG Policy and Growth of Indian Economy’, *International Journal of Creative Research Thoughts*, Vol.8 (4), Apr. 2020, pp. 4449-4456.

¹⁹*Ibid.*

²⁰Vikash Kumar, ‘The LPG Revolution in India: Transformative Economic Shift’, *Cosmos Multidisciplinary Research E-Journal*, Vol. 6(6), Jun. 2021, pp. 140-144.

²¹*See*, Ananth Krishna, Kerala: “The “Money Order economy”, indeed.”, *Worldpress.com*, Jun. 20, 2017, *available at*: ‘Money Order Economy’ refers to an economic system or region where household consumption and local investment are heavily driven by cash remittances sent from residents working elsewhere.

²²*Supra*, note 18.

²³Dr. Jyotish Kumar Singh, ‘Impact of Economic Liberalisation in Agricultural Sector in India’, *Journal of Emerging Technologies and Innovative Research*, Vol. 3(4), Apr. 2016, pp. 241-249.

metropolitan cities often lacks the space or social infrastructure to accommodate elderly parents, leading to the proliferation of nuclear families.²⁴ Thus, the local or regional economy is now heavily dependent upon the money sent back home by the migrants working in other cities, states or countries where the concept of ‘money order economy’ evolves.²⁵ In this ‘money order economy’, the elders receive financial remittances from the youth but they lack daily interaction and physical support which ultimately led them into emotional and social isolation.²⁶ The disintegration of the joint family system is leaving the elderly to manage their own physical and medical needs alone. Moreover, the cultural dimension of globalization has introduced western values of autonomy and self-interest, which sometimes clash with traditional collectivist norms.²⁷ The ‘ego factor’ among the youth, fuelled by rapid economic success and exposure to global lifestyles, has widened the generation gap. In this new hierarchy, the traditional wisdom of the elderly is often viewed as obsolescent or irrelevant to the demands of the modern, tech-driven market.²⁸ This psychological marginalization is as damaging as economic neglect, contributing to rising rates of depression and a sense of loss of purpose among the elders.

IV. EVOLUTION OF LEGAL SAFEGUARDS OF THE ELDERLY THROUGH THE LEGISLATURE AND JUDICIARY

In Indian society, where since the time immemorial, older people accorded a place of respect, honour and importance. It is very unfortunate that the maintenance and welfare of the elders, which traditionally consider as a moral duty for the younger generation, present social degradation compelled it transformation into a legal duty. However, the Constitution of India do not expressly address the issue of elderly rights but there are multiple provisions which are impliedly associated thereat. Foremost, Article 21 of the Indian Constitution which guarantees the right of life and liberty of every individual, also encompass the right to live with dignity of senior citizens.²⁹ Article 41 of the Indian Constitution also created a route map for the state depending on its economic capacity, to provide necessary public assistance for the aged people. The subject-matter of old age pension for labours being incorporated under the Seventh

²⁴Dr. Rachana Prasad, ‘Changing Family Structures and the Rise of Single-Person Households: A Sociological Analysis’, *Journal of Research in Humanities and Social Science*, Vol. 12 (10), Oct., 2024, pp. 239-247.

²⁵See, Devendra Saksena, ‘Money Order Economy’, *The Statesman*, Mar. 27, 2026, available at: <https://www.thestatesman.com/opinion/money-order-economy-1502882738.html>

²⁶*Ibid.*

²⁷Vineet Kaul, ‘Globalisation and Crisis of Cultural Identity’, *Journal of Research in International Business and Management*, Vol. 2(13), December 2012, pp. 341-349.

²⁸Phyllis Moen, “Constrained Choices: The Shifting Institutional Contexts of Aging and the Life Course”, Linda J. Waite (ed.), *Perspectives on the Future of the Sociology of Aging*, (The National Academic Press, Washington, D.C., 2012).

²⁹See, *Dr. Ashwani Kumar vs. Union of India & Ors.*, [2018] 13 S.C.R. 1286.

Schedule, Concurrent List, Entry No. 24 of the Indian Constitution, impose an obligation for both Parliament and State Legislatures to protect the economic rights of the senior citizens by way of making necessary law thereof.³⁰

The Hindu Adoption and Maintenance Act, 1956 is the first statute in India to impose an obligation upon every Hindu individual irrespective of any gender, to maintain his or her aged or infirm parents, who are unable to maintain themselves out of their own earnings or other property.³¹ Thereafter, the Code of Criminal Procedure, 1973 (now the Bharatiya Nagarik Suraksha Sanhita, 2023) compelled every individual irrespective of any religion and gender to provide adequate allowance for the maintenance of their father or mother.³² Eventually, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been introduced to fulfil the following objectives:

- (a) To provide simple, inexpensive, and speedy provision for claiming maintenance;
- (b) To cast an obligation on the successors who inherit the property of an aged person;
- (c) To protect life and property of senior citizen;
- (d) To set up old-age home in every district for indigent persons;
- (e) To provide better medical facilities of senior citizen.³³

In *Dr. Ashwani Kumar vs. Union of India & Ors.*,³⁴ the writ petitioner before the Supreme Court of India, *inter-alia* sought for enforcement of elderly rights under Article 21 of the Constitution of India by providing them adequate pension, shelter, geriatric care, and medical facilities as well as for effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Supreme Court while acknowledging these elderly rights as an integral part of the fundamental rights, held that the state is obliged to ensure enforcement of these rights and availability to all the senior citizen. However, the Apex Court opined that a continuous *mandamus* for proper enforcement of these provision is the only solution to achieve the desired goal and few initial directions were issued to the state for making effective contribution towards recognition and enforcement of elderly rights.³⁵

³⁰See, The Constitution of India, art. 246.

³¹The Hindu Adoption and Maintenance Act, 1956 (Act 78 of 1956), s. 20.

³²The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125; The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 144.

³³See, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), Statement of Objects Reasons.

³⁴[2018] 13 S.C.R. 1286.

³⁵*Ibid.*

V. CONCLUDING REMARKS

Globalisation has fundamentally reshaped how elderly rights are depicted and managed in India since the long age. The society moved from a system where families and communities looked after their elders to one where the state plays a more significant role through legal framework. While globalization has indeed weakened the traditional joint family structure and created new challenges to the Indian society, it has also brought several positive changes by bringing assistive technologies, the ‘silver economy’³⁶, and a rights-based legislative consciousness. Indian Judiciary thereby also indicated a clear commitment to ensure that the country’s ‘demographic dividend’ will not become a ‘demographic disaster’. However, the road ahead requires to address the implementation gap in a regular interval. Rights on paper must translate into accessible Tribunals, affordable geriatric care, and inclusive digital platforms.

Ultimately, the important thing is to change the way contemporary society thinks about aging, where aging should not be label as a ‘disease’ or ‘burden’, but as a natural progression of life. A society, which celebrates its elderly, not just through traditional rituals but through an age-friendly urban planning, economic inclusion, and the protection of their autonomy, honours its past and secures its future. The evolution of these rights is not merely a welfare obligation but a constitutional, moral, and developmental necessity for a ‘*Viksit Bharat*’. The way to build a humanitarian and just society in a globalized world is possible through ensuring dignity, care, and security for the elders. Nevertheless, it is hereby pertinent to mention one famous quote of the Hon’ble former President of India, Sri Pranab Mukherjee, which addressed at a function on the occasion of International Day of Older Persons held on October 1, 2012 in New Delhi, is as follows:

*“Most importantly, the elderly should be encouraged to get out of a ‘retirement mentality’ and think about old age as a second inning, an opportunity to complete so many unfinished tasks and expand horizons, to look beyond the self and the family and work for community. Active participation and involvement in society is the mantra which can ensure independence, dignity and self-fulfilment.”*³⁷

³⁶Supra, note 1, ‘Silver Economy’ means an economy driven by goods & services designed to meet the needs of the elderly, typically those over 50 years of age. It also creates work opportunities that enable the elderly to contribute their experience and expertise across various sectors. India's silver economy is valued at approximately seventy-three thousand crore rupees in 2024, with projections indicating substantial multi-fold growth in the years ahead. Research identifies senior citizens, along with professionals in the 45 to 64 age brackets, as the ‘wealthiest age cohort’ globally.

³⁷ Sri Pranab Mukherjee, ‘Speech of The Hon’ble President of India, Shri Pranab Mukherjee at the Function Organised by Help Age India on the Occasion of International Day of Older Persons’, *President of India*, (Oct. 1, 2012, New Delhi) available at: <https://presidentofindia.nic.in/shri-pranab-mukherjee/speeches/speech-honble-president-india-shri-pranab-mukherjee-function>.