

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 8 | Issue 6

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2025

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# Elderly Victims of Crime in India: A Legal and Human Rights Perspective

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## ABSTRACT

*Older persons are one of the most neglected and voiceless victims of crime in India's justice delivery system. At a time when the country is experiencing a demographic transition and an unprecedented increase in its elderly population, thousands of older persons are routinely subjected to violence, abandonment, financial exploitation, and emotional deprivation at the hands of those they should be able to trust most. Their pain may not always shout out loud; it comes as silent sobs, shaking voices, and with deep feelings of insignificance. Many elderly internalize their agony and do not report abuses from fear or dependence, or perhaps for the hope that the love bonds within the family would heal themselves. However, the effects are serious-impacting their safety, well-being, and dignity. From constitutional safeguards to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, India's legal framework tries to protect the rights of older persons. Provisions under the BNS, BNSS, Domestic Violence Act, and Information Technology Act further support elderly victims who encounter violence or exploitation. Despite these laws, gaps remain in enforcement, accessibility, and awareness, leaving many senior citizens navigating the justice system alone.*

*The article looks at the multidimensional experience of elderly victims, challenges in accessing justice, and the pressing need for a caring community response. Protection of the elderly is not only a duty but also a humane responsibility. Keeping them safe, dignified, and emotionally secure reflects the true humanity of a society. This study calls for stronger implementation of laws, better support systems, and a renewed societal commitment to honoring and safeguarding India's elders.*

**Keywords:** *Elderly victims, senior citizens, welfare and maintenance*

## I. INTRODUCTION

The victimization of elderly persons has become a serious social and legal issue in India, particularly as the country has been experiencing a steady increase in its ageing population. Demographically, India is estimated to have almost 20% of its population above the age of sixty by 2050, marking an important transition that needs more substantial legal and policy attention

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towards safety and dignity among senior citizens.<sup>2</sup> Crimes against elderly people often include events that are not reported: from verbal abuse, physical violence, and financial fraud to cybercrimes, dispossession of property, emotional neglect, abandonment, and domestic cruelty. Their vulnerabilities are heightened by factors such as deteriorating health, dependence on relatives, limited mobility, lack of knowledge about legal rights, and being kept in social isolation.<sup>3</sup>

In most cases, it is not strangers but close relatives, caretakers, neighbors, or persons in positions of trust who are the perpetrators.<sup>4</sup> While legal protection exists in the form of constitutional safeguards, welfare legislation, penal provisions, and victim-centric procedural rights, the institutional apathy, fear of retaliation, emotional attachment to offenders, and some sort of procedural barriers make the approach to justice inaccessible for elderly victims.<sup>5</sup> The silent suffering of abuse on the part of senior citizens reflects not just a legal failure but also a deeper social fracture in which elders, once a symbol of wisdom and respect, meet with invisibility and neglect.

This, therefore, calls for an analysis of the legal framework, mechanism of delivery of justice, challenges, and social attitudes towards victims of old age. The present research shall critically delve into the multidimensional nature of crimes against the aged in India, assess the efficacy of existing laws, and suggest reforms that would further strengthen dignity, security, and compassion towards one of the most vulnerable sections of society.

### **Definition of “Elderly”**

There is no internationally agreed-upon definition of the term’s “elderly” or “older person, but a number of global bodies give generally accepted age benchmarks and conceptual definitions.

The United Nations (UN) widely recognises individuals aged 60 years and above as “older persons,” a benchmark consistently used in international ageing documents, including the Madrid International Plan of Action on Ageing (MIPAA), 2002.<sup>6</sup>

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<sup>2</sup> United Nations Population Fund (2017), *Caring for Our Elders: Early Responses—India Ageing Report 2017*, UNFPA India. Available at: <https://india.unfpa.org/sites/default/files/pub-pdf/India%20Ageing%20Report%20-%202017%20%28Final%20Version%29.pdf> Last visited Dec 1, 2025.

<sup>3</sup> World Health Organization (2015), *World Report on Ageing and Health*, WHO Press, Geneva. Available at: <https://www.who.int/publications/i/item/9789241565042>. Last visited Dec 1, 2025.

<sup>4</sup> National Crime Records Bureau (2022), *Crime in India*, Ministry of Home Affairs, Government of India. Available at: <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> Last visited Dec 1, 2025.

<sup>5</sup> *Ashwani Kumar v. Union of India*, (2019) 2 SCC 636.

<sup>6</sup> United Nations, *Madrid International Plan of Action on Ageing, 2002*, United Nations Department of Economic and Social Affairs. Available at: <https://social.desa.un.org/issues/ageing/madrid-plan-of-action-and-its-implementation-main/madrid-plan-of-action-and-its> Last visited Dec 1, 2025.

The WHO similarly uses a starting point of sixty years and older for defining older persons, especially in low- and middle-income countries, emphasizing both chronological age and age-related functional decline.<sup>7</sup>

In India, the term “elderly” or “senior citizen” is defined primarily in statutory and policy frameworks. The most authoritative definition is provided under the section 2(h) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which defines a senior citizen as “any person being a citizen of India, who has attained the age of sixty years or above.”<sup>8</sup>

### **Definition of “Victim”**

According to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, a victim is any person, individually or collectively, who has suffered harm, physical, mental, emotional, economic, or a violation of fundamental rights, through acts or omissions that breach criminal laws, including abuse of power. A person qualifies as a victim irrespective of whether the perpetrator is known, prosecuted, or related to them. The term also encompasses immediate family, dependents, and those who assist victims. These provisions apply to all universally, irrespective of race, colour, sex, age, language, religion, nationality, political or other opinion, cultural practices, property, birth, family status, ethnic or social origin, or disability.<sup>9</sup>

According to section 2(1)(y) of the Bharatiya Nagarik Suraksha Sanhita, 2023, victim means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim.<sup>10</sup>

### **Meaning of Elderly Victim**

According to the Toronto Declaration on the Global Prevention of Elder Abuse (WHO, 2002), elder abuse is “a single or repeated act, or lack of appropriate action, occurring within any relationship of trust, which causes harm or distress to an older person.”<sup>11</sup> An elderly victim is thus any person aged 60 years or above who suffers harm, abuse, neglect, or exploitation due to another’s act or omission, within family, institutional, or community settings, to reflect their

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<sup>7</sup> World Health Organization (2015), World Report on Ageing and Health, WHO Press, Geneva. Available at: <https://www.who.int/publications/i/item/9789241565042>. Last visited Dec 1, 2025.

<sup>8</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 2(h).

<sup>9</sup> United Nations Office on Drugs and Crime, Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNODC, Vienna, 1999. Available at: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power | OHCHR <https://share.google/nkQOdtGYjDRcyOr13> Last visited Dec 1, 2025.

<sup>10</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s.2(1)(y).

<sup>11</sup> World Health Organization, Toronto Declaration on the Global Prevention of Elder Abuse, WHO, Geneva, 2002. Available at: [https://eapon.ca/wp-content/uploads/2021/09/toronto\\_declaration\\_en.pdf](https://eapon.ca/wp-content/uploads/2021/09/toronto_declaration_en.pdf) Last visited Dec 2, 2025.

vulnerability and the need for special legal and social protection.

## **II. CAUSES OF ELDERLY VICTIMIZATION**

The victimization of elderly people in India is a complex result of the intersection between social, economic, psychological, and systemic factors. With aging, health may deteriorate, mobility decreases, and social isolation may increase dependency, thus increasing vulnerability to various forms of abuse, exploitation, and neglect. Some major factors contributing to the victimization of senior citizens are as follows:

### **1. Physical and Cognitive Decline**

Conditions associated with aging, such as poor eyesight, frailty, chronic illness, dementia, and impaired cognitive functioning, significantly reduce the ability of an elderly person to defend themselves, understand danger, or report abuse. Perpetrators exploit these limitations to commit crimes like physical abuse, financial fraud, and property grabbing.

### **2. Involvement of Family Members and Caregivers**

Financial, emotional, or physical dependence of the elderly on their children or caregivers is common.<sup>12</sup> This dependence commonly results in an element of power imbalance, which further enhances the possibility of domestic abuse, neglect, or coercion. The vulnerable are women, widows, or those without independent income.

### **3. Social Isolation and Loneliness**

Urbanization, migration, and the breakdown of the joint family system have left many elderly persons alone or without regular social contact. Isolation reduces social monitoring and creates more opportunity for crimes like neglect, emotional abuse, and extortion.

### **4. Economic Insecurity**

A large fraction of India's elderly population has no regular income or pension support.<sup>13</sup> The financial hardship caused makes them dependent on others, while ownership of ancestral property or savings makes them a target for financial exploitation, coercion, and property-related crimes.

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<sup>12</sup> Ministry of Social Justice & Empowerment, National Policy on Older Persons, Government of India, 1999. Available at: <https://socialjustice.gov.in/writereaddata/UploadFile/National%20Policy%20for%20Older%20Persons%20Year%201999.pdf> Last visited Dec 2, 2025.

<sup>13</sup> Government of India, Status of Senior Citizens in India, Ministry of Statistics and Programme Implementation, 2021. Available at: <https://ruralindiaonline.org/en/library/resource/elderly-in-india-2021/> Last visited Dec 2, 2025.

### **5. Lack of Knowledge about their Legal Rights**

Many elderly people are not even aware of the laws that protect them, such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, or their rights in seeking protection under criminal law. In fact, fear of legal proceedings or mistrust of institutions ultimately discourages reporting of abuse.

### **6. Cultural Norms and Family Pressures**

Family abuse is a private matter in Indian society. The emotional attachment of the elderly victim, fear of bringing shame to the family, and fear of abandonment may make them keep quiet. This leads to continuation of the cycle of abuse.

### **7. Institutional Neglect**

Neglect can occur in the form of shortage of staff, improper training, or absence of regulation in various hospitals, old-age homes, and care facilities for elderly persons. Abuse in an institution often goes unreported because the victim is helpless or afraid of retaliation.

### **8. Increased Cybercrime and Fraud aimed at Seniors**

With increasing digitization, elderly people frequently become victims of various cyber-scams, identity theft, and online financial fraud due to limited digital literacy.<sup>14</sup> Seniors are targeted by criminals who believe that elderly citizens are trusting and unfamiliar with the risks online.

### **9. Weak implementation of laws and limited policing support**

Although India has some of the strong legal protections, implementation remains highly variable. The tardy response, shortage of trained police personnel, and lack of monitoring mechanisms overall exacerbate continued victimization among the elderly.

## **III. CONSEQUENCES OF VICTIMIZATION**

### **1. Physical Consequences**

Victims in this age group also experience serious physical injuries due to frailty from the aging process. Injuries generally observed in abuse or neglect cases include fractures, bruises, malnutrition, dehydration, and untreated medical conditions. Physical abuse might exacerbate pre-existing conditions such as heart disease, diabetes, and limitations in mobility, affecting life expectancy and functional capacity.

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<sup>14</sup> CERT-In, Cyber Security Threats Report, Government of India, 2022. Available at: <https://www.cert-in.org.in/Downloader?pageid=22&type=2&fileName=ANUAL-2023-0001.pdf> Last visited Dec 2, 2025.

## **2. Psychological and Emotional Consequences**

Victimization severely affects mental health in older adults. Common consequences include depression, anxiety, loss of self-worth, post-traumatic stress, helplessness, and fear of future abuse.<sup>15</sup> The majority of elderly victims internalize guilt or shame, especially when the perpetrator is a family member. Loneliness and social withdrawal increase significantly.

## **3. Social Consequences**

The victimized elders then withdraw from social interaction due to fear of stigma or disbelief. Social isolation, too, becomes both a cause and a consequence of abuse. Loss of trust in family and caregivers may ensue, along with reduced participation in community life and breakdown of social networks. It also affects their sense of dignity and autonomy.

## **4. Economic and Financial Consequences**

Economic exploitation turns many elderly people into financial insecurity. Fraud, property grabbing, coercion in financial decisions, misuse of pensions, and digital scams can deprive them of lifelong savings.<sup>16</sup> Due to financial loss, inability to afford healthcare or medication services, housing, and personal care is at common stake.

## **5. Health Consequences**

Victimization seriously aggravates physical and mental health. Long-term stress from abuse raises blood pressure, weakens the immune system, and accelerates cognitive decline such as dementia. Neglect leads to inadequate nutrition, poor hygiene, improper medication use, and untreated illnesses.

## **6. Legal Consequences**

Many elderly victims report difficulties in accessing justice:

- Lack of awareness about rights
- Fear of retaliation
- Dependence on the abuser
- Slow legal procedures

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<sup>15</sup> Karl Pillemer and David Burnes et al., "Elder Abuse: Global Situation, Risk Factors, and Prevention Strategies," *56 Gerontologist* S194 (2016).

<sup>16</sup> United Nations, Department of Economic and Social Affairs, Division for Social Policy and Development, Report of the Expert Group Meeting on Neglect, Abuse and Violence of Older Women (2007), available at <https://www.un.org/esa/socdev/documents/ageing/ReportofEGMNeglectAbuseandViolenceofOlderWomen.pdf>. Last visited Dec 2, 2025.

Failure to report crimes leads to under-enforcement of protective laws. Victimization also results in increased dependency on state schemes, legal aid, and guardianship systems.<sup>17</sup>

### **7. Family and Community Impacts**

Abuse of elders results in long-term trauma within families and, most particularly, to younger generations who witness it. It erodes intergenerational trust and perpetuates a cycle of neglect. At the community level, it reflects social failure in the responsibility to uphold values of dignity and respect toward elders.<sup>18</sup>

### **8. Increased Mortality Risk**

Several studies indicate that elderly victims of abuse die more quickly than average. For example, early mortality can be attributed to prolonged fear and stress, nutritional deficiencies, neglect, and untreated injuries.

## **IV. TYPES OF CRIME AND ABUSE AGAINST ELDERLY PERSONS**

### **1. Physical Abuse**

Physical abuse is characterized by the infliction of physical injury to the elderly individual by hitting, pushing, slapping, burning, restraining, or using excessive force. Older victims have an increased risk of fractures, internal injuries, and long-term disability because of age-related frailty.

### **2. Psychological/Emotional Abuse**

This involves verbal insults, humiliation, threats, intimidation, manipulation, isolation, and constant criticism. It induces anxiety, depression, withdrawal, and a loss of self-worth.

### **3. Financial/ Economic Exploitation**

Financial abuse involves illegal or improper use of the money, pension, savings, property, bank accounts, or digital financial platforms of a senior citizen. Financial abuse includes fraud, cheque misuse, signature forgery, ATM theft, coercion in will-making, and property grabbing.<sup>19</sup>

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<sup>17</sup> Dev, Manik, "Domestic Violence Against Senior Citizens with Reference to the Senior Citizens Act, 2007", *Indian Journal of Law and Legal Research*, Vol. II, Issue II (2021), ISSN: 2582-8878, available at: <https://www.ijllr.com/post/domestic-violence-against-senior-citizens-with-reference-to-the-senior-citizens-act-2007> (last visited Dec. 2, 2025).

<sup>18</sup> International Institute for Population Sciences & United Nations Population Fund, *India Ageing Report 2023: Caring for Our Elders: Institutional Responses* (UNFPA, New Delhi, 2023), available at [https://india.unfpa.org/sites/default/files/pub-pdf/2023.10.03\\_iar\\_2023\\_rgb\\_web\\_revised\\_\\_0.pdf](https://india.unfpa.org/sites/default/files/pub-pdf/2023.10.03_iar_2023_rgb_web_revised__0.pdf). Last visited Dec 2, 2025.

<sup>19</sup> HelpAge International, "Older Peoples' Rights and Financial Abuse," *HelpAge Blog*, March 17, 2021, available at <https://www.helpage.org/blog/older-peoples-rights-and-financial-abuse/>. Last visited Dec 2, 2025.

#### **4. Neglect (Active and Passive)**

Neglect occurs when caregivers fail to provide food, medical care, hygiene, shelter, safety, or emotional support.<sup>20</sup>

**Active neglect:** intentional failure to provide care

**Passive neglect:** due to ignorance or inability

#### **5. Abandonment**

Abandonment refers to the act of deserting an elderly person without making any provision for their due care and supervision. It is common in urban India where the arrival of nuclear families, coupled with migration, leaves elders all alone.

Both lead to malnutrition, untreated illness, and health decline.

#### **6. Sexual Abuse**

Sexual abuse is defined as any non-consensual sexual contact, harassment, forced nudity, or exposure to pornography. Elders experiencing dementia or disability are at an increased level of vulnerability and often are unable to report.<sup>21</sup>

#### **7. Domestic Violence Against Elders**

Domestic violence-including assault, humiliation, denial of resources, or controlling behavior on the part of spouse, children, in-laws, or caregivers-can affect anyone in the household. Social stigma and dependence often prevent reporting.

#### **8. Institutional Abuse**

Abuse includes overcrowding, poor sanitation, inadequate staff, over-medication, and physical restraints in old age homes, care centres, and hospitals.

#### **9. Cybercrime Against Elders**

It involves phishing, OTP fraud, online loan scams, impersonation calls, fake insurance schemes, and identity theft that target tech-unsavvy seniors.<sup>22</sup>

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<sup>20</sup> Kumar, P. S., Rashmi, A., Anil, M., and Sindhu, B. M., "Comparative Study on Elder Abuse and Neglect Among Geriatric Population in the Rural and Urban Field Practice Areas of a Medical College", *Indian Journal of Community Medicine*, Vol. 49, No. 1 (Jan–Feb 2024), pp. 214–217, doi: 10.4103/ijcm.ijcm\_883\_22, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC10900471/> (last visited Dec. 2, 2025).

<sup>21</sup> World Health Organization, "World Report on Violence and Health" (2002), WHO, Geneva. Available at: <https://www.who.int/publications/i/item/9241545615> Last visited Dec 2, 2025.

<sup>22</sup> Indian Cyber Crime Coordination Centre (I4C), "Annual Report on Cyber Frauds Targeting Senior Citizens" (2021), Ministry of Home Affairs.

## **V. CONSTITUTIONAL AND LEGAL FRAMEWORK FOR PROTECTION OF ELDERLY IN INDIA**

### **A. Constitutional foundations:**

#### **Article 21 – Right to Life and Personal Liberty<sup>23</sup>**

Guarantees every person the right to live with dignity, safety, and humane conditions of existence. For elderly persons, this covers protection from abuse, neglect, and abandonment. The courts interpret dignity broadly to require the State to provide care, security, and welfare support to senior citizens.

#### **Article 41 – Public Assistance in Old Age<sup>24</sup>**

Directs the State to provide assistance in cases of old age, sickness, and disability. It forms the constitutional basis for welfare schemes, pensions, old-age homes, and maintenance laws. This provision imposes a moral obligation on the State to support senior citizens.

#### **Article 46 – Protection of Weaker Sections<sup>25</sup>**

Mandates the State to promote and protect weaker sections; hence the policy will consider elderly persons in view of their vulnerability. It supports policies aimed at reducing social, economic and physical exploitation.

#### **Article 47: Duty to Improve Public Health<sup>26</sup>**

Places responsibility on the State for improving nutrition as well as public health; for the elderly, this means geriatric care, accessibility of medical services, and prevention of neglect of health among the elderly.

### **B. The Bharatiya Nyaya Sanhita, 2023**

#### **Sections 115 and 117 – Hurt and Grievous Hurt**

Protect elderly persons from physical assaults commonly occurring within families. Grievous hurt attracts stricter punishment, considering the fragile health of senior citizens.<sup>27</sup>

#### **Section 316 – Criminal Breach of Trust**

Applied in cases where family members, caretakers, or agents misappropriate the money or

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<sup>23</sup> The Constitution of India, 1950, Art. 21.

<sup>24</sup> The Constitution of India, 1950, Art. 41.

<sup>25</sup> The Constitution of India, 1950, Art. 46.

<sup>26</sup> The Constitution of India, 1950, Art. 47.

<sup>27</sup> The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), ss. 115, 117.

property of elderly persons. Most property-grabbing cases depend on these provisions.<sup>28</sup>

### **Section 318 – Cheating and Fraud**

Covers cyber-frauds, bank scams, ATM frauds and cheating by relatives or strangers that target the elderly as victims. One of the most commonly invoked sections in cases relating to elder financial abuse.<sup>29</sup>

### **Section 108 - Abetment to Suicide**

Applicable when elderly persons face cruelty, harassment, or ill-treatment by family members, especially daughters-in-law or sons. Severe neglect leading to suicide may attract Sec. 108.<sup>30</sup>

## **C. Bharatiya Sakshya Adhiniyam, 2023**

### **Section 119 – Court May Presume Certain Facts**

Section 119 empowers the court to draw presumptions based on natural human conduct, common experience, and surrounding circumstances.<sup>31</sup> In the context of elderly victims or witnesses, this provision becomes particularly important because judges can take into account age-related vulnerabilities such as memory lapses, physical weakness, dependence on caregivers, or fear of intimidation. When an elderly person delays reporting a crime, forgets specific dates, or gives a hesitant statement, the court may still presume truthfulness if the surrounding facts support their version. Likewise, if any elder alleges financial exploitation or abuse by any close family member, the court can draw a presumption of improper influence or undue advantage in view of elders being victims of such acts. Thus, this section helps the judiciary interpret evidence with sensitivity and realistic assumptions regarding ageing rather than merely applying rigid standards.

### **Section 114 – Burden of Proof in Cases of Active Confidence**

Section 114 states that where there exists a relationship of “active confidence” such as guardian–ward, doctor–patient, and lawyer–client and trustee–beneficiary, in which one party benefits from the transaction, the burden of proof shifts to the person in the position of confidence to show that the transaction was fair.<sup>32</sup> For elderly persons, this section holds great relevance since they are repeatedly dependent on someone else for their daily needs. In case of a property transfer, signature in financial documents, and making of gifts, etc. in favour of any

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<sup>28</sup> The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s.316.

<sup>29</sup> The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s.318.

<sup>30</sup> The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s.108.

<sup>31</sup> The Bharatiya Sakshya Adhiniyam, 2023 (Act 46 of 2023), s.119.

<sup>32</sup> The Bharatiya Sakshya Adhiniyam, 2023 (Act 46 of 2023), s.114.

person the alleged dependent has placed trust into, the court may presume undue influence unless proved otherwise by the recipient person. Therefore, Section 114 serves as a shield against financial exploitation, coerced property transfers, and abuse of trust – some of the common manifestations of elder victimization. This strengthens the principle that older persons require heightened legal protection in situations of trust and dependence.

### **Section 124 – Who May Testify**

Section 124 states that all persons are competent to testify unless the court finds that they are unable to understand questions or unable to give rational answers, due to age, illness, or any mental or physical condition<sup>33</sup>. This provision is important in the context of elderly witnesses since most older persons suffer from age-related problems such as loss of memory, dementia, defective hearing, or diminished cogitation. However, their age alone will not make them incompetent. The Court has to assess their capability at the deposition stage, and so long as they are able to understand and respond adequately, they will be treated as competent. This is to ensure that elderly victims are not denied the due process of justice for no other reason than their advanced age.

### **D. Bharatiya Nagarik Suraksha Sanhita, 2023**

#### **Section 179 – Police officer’s power to require attendance of witnesses**

Section 179 stipulates that no police shall compel certain vulnerable categories of witnesses, which include men above sixty years, to attend any place other than their own residence for the purposes of inquiry.<sup>34</sup> For elderly persons, this provision is a crucial safeguard because it recognizes the physical limitations, issues of mobility, and health vulnerabilities that go hand in hand with advancing years of age. It bars police from requiring senior citizens to travel long distances or even appear at police stations, which reduces harassment, intimidation, and, quite frankly, inconvenience.

The law states that statements of elderly witnesses or victims are taken at their home in a secure and known environment, unless the elderly person voluntarily chooses to attend the police station. Therefore, it permits older persons to contribute to the process of criminal justice without jeopardizing their health, dignity, or personal safety.

#### **Section 144 – Order for maintenance**

This provision protects elderly parents who cannot support themselves and ensures that they

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<sup>33</sup> The Bharatiya Sakshya Adhinyam, 2023 (Act 46 of 2023), s.124.

<sup>34</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 47 of 2023), s.179.

will not be left without care by their children. Where the adult child has adequate income but still neglects or refuses to look after his or her aged parents, the law allows a Magistrate of the first class to intervene<sup>35</sup>. The Magistrate, if satisfaction is proved about such neglect or refusal, may order the child to pay a fixed monthly maintenance amount to the parent, having regard to the parent's needs and also to the financial capability of the child in question. By making sure there is a fixed monthly payment, this provision secures the elder's basic needs, dignity, and quality of life.

### **E. Information Technology Act, 2000**

#### **Section 66C – Identify theft**

Section 66C of the Information Technology Act punishes identity theft, fraudulent or dishonest use of the electronic signature, password, and any other unique identification feature of any person.<sup>36</sup> The provision is equally relevant for elderly people since they are vulnerable to frauds relating to stolen ATM cards, PINs, Aadhaar details, OTPs, and online banking passwords. Elders may disclose the information unwittingly due to misplaced confidence, lack of awareness of digital aspects, or deceit by fraudsters impersonating officials and relatives. Section 66C makes the misuse of their identity a criminal offense so that their financial security can be safeguarded and the exploitation of personal information in the digital space can be curbed.

#### **Section 66D – Cheating by impersonation**

Section 66D pertains to the offense of cheating by impersonation using electronic communication or computer resources<sup>37</sup>. One of the most frequent victims of online fraud, phishing calls, fake bank messages, UPI fraud, and impersonation is a senior citizen. Their limited familiarity with rapidly evolving technology renders them easy victims. Any person who, by way of fraud, deceit, or impersonation, cheats a senior citizen like disguising himself or herself as a bank official, government officer, or family member is liable under Section 66D. In effect, this section helps in saving senior citizens from being subjected to financial fraud and nefarious digital activities by providing for strict action against cybercriminals who target them.

### **F. The Hindu Adoption and Maintenance Act, 1956**

#### **Section 20**

Section 20 of the HAMA, 1956, casts a legal obligation on children to maintain their aged or

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<sup>35</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 47 of 2023), s.144(d).

<sup>36</sup> The Information Technology Act, 2000 (Act 21 of 2000), s. 66C.

<sup>37</sup> The Information Technology Act, 2000 (Act 21 of 2000), s. 66D.

infirm parents who are unable to sustain themselves.<sup>38</sup> From the perspective of the elderly, Section 20 is an important tool for social justice and family responsibility. It recognises that old age often brings financial dependency, health problems, and emotional vulnerability, making parental maintenance not merely a moral duty but a legal one. The provision ensures that elderly parents are not left destitute or neglected by their children, and provides them with the legal right to claim maintenance for food, clothing, shelter, and medical care.

### **Mohammedan Law**

According to Mulla's Principles of Mohammedan Law, the sons and daughters are legally and morally bound to maintain their poor parents when they are in easy circumstances. The right of maintenance is a duty arising from respect and gratitude, rather than as an incident of inheritance. The obligation exists even if the parents are capable of earning something but are still needy. Mulla further explains that the responsibility of maintenance is stricter for sons—a son must maintain his poor mother even if he is in strained circumstances, while a son who earns a small income is also required to support his father if the father has no means of livelihood. Thus, under Muslim law, the duty to maintain parents is not merely charitable but a binding legal and religious obligation grounded in compassion and filial duty.

## **VI. INTERNATIONAL INSTRUMENTS PROTECTING ELDER PERSONS**

### **1. United Nations Principles for Older Persons, 1991**

These principles, adopted by the General Assembly, enumerate the five priority areas that every member state should ensure for older persons: independence, participation, care, self-fulfillment, and dignity. They support the right to food, shelter, health, protection against abuse, and community involvement. Not binding legally, they nevertheless set a moral and policy outline for elder-care reforms across the world.<sup>39</sup>

### **2. Madrid International Plan of Action on Ageing (MIPAA), 2002**

MIPAA is the most comprehensive international policy document on ageing. It emphasizes mainstreaming ageing, ensuring health and well-being, and creating enabling environments for the elderly. It calls upon states to prevent elder abuse, promote social protection, and develop national ageing strategies. The Madrid Plan remains the backbone of global action on ageing in

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<sup>38</sup> The Hindu Adoption and Maintenance Act, 1956 (Act 78 of 1956), s.20.

<sup>39</sup> United Nations General Assembly, United Nations Principles for Older Persons, Resolution 46/91 (16 December 1991), available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons> (last visited Dec 2, 2025).

the 21<sup>st</sup> century.<sup>40</sup>

### **3. Universal Declaration of Human Rights (UDHR), 1948**

Although not age-specific, the UDHR provides foundational rights relevant to elderly protection: right to life, dignity, security, equality, social protection, and adequate living standards. Articles 1, 3, 22, and 25 are particularly relevant for older persons facing neglect or abuse. Most international and domestic ageing policies reflect the principles found in the UDHR.<sup>41</sup>

### **4. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**

ICESCR imposes obligations on states to guarantee that older persons enjoy social security, health care, and adequate living conditions. Article 9 recognizes the right to social security, while Article 12 guarantees the highest attainable standard of health. Special measures for older persons, protection against discrimination, and abuse have been repeatedly emphasized by the Committee on ESCR.<sup>42</sup>

## **VII. MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007 – A BOON TO SENIOR CITIZENS**

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is a landmark legislation enacted to protect the dignity, welfare, and social security of elderly persons in India. The Act received the assent of the President on 29 December 2007 and was published in the Gazette of India on 31 December 2007. It contains 7 Chapters and 32 Sections and was framed with the objective of providing more effective legal provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution of India. The enactment reflects the constitutional vision embodied in Articles 21, 41, and 46, which uphold the right to life with dignity and the State's obligation to assist citizens in cases of old age, sickness, and infirmity.

### **Preliminary Chapter**

Preliminary Chapter (Sections 1–3) lays the scope and definitions essential for the application of the Act. It extends to the whole of India, thus ensuring that the protection afforded to the

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<sup>40</sup> United Nations, Madrid International Plan of Action on Ageing, Second World Assembly on Ageing, Madrid, 8–12 April 2002, available at: <https://social.un.org/ageing/madridplanofaction.html> (last visited Dec 2, 2025).

<sup>41</sup> United Nations, Universal Declaration of Human Rights, G.A. Res. 217 A (III), adopted 10 December 1948, available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Dec 2, 2025).

<sup>42</sup> UN Committee on Economic, Social and Cultural Rights, International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966, entered into force 3 January 1976, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (last visited Dec 2, 2025).

elderly citizens is uniform throughout the states and union territories.<sup>43</sup>

Section 2 defines various terms, such as “children” (to include sons, daughters, grandsons, and granddaughters but to exclude minors), “maintenance” (to include provision for food, clothing, residence, and medical treatment), and “senior citizen” (a person sixty years or more of age). It also defines “relative” as a non-minor legal heir of a childless senior citizen who has or is likely to have his own property, and “welfare” means provision for food, healthcare, and recreation necessary for dignified living.<sup>44</sup>

Section 3 makes the requisite provisions of this Act overriding over any law in force inconsistent therewith<sup>45</sup>, so that the welfare of an elderly person becomes paramount, even over personal or customary law.

### **Maintenance and rights of senior citizens and parents**

Chapter II of the Act pertains to the maintenance and rights of senior citizens. Section 4 creates a statutory right for parents and senior citizens, who cannot maintain themselves, to get maintenance from their children or, in the case of childless elders, from relatives who are in possession of or are expected to inherit their property.<sup>46</sup> In this manner, the moral duty of filial care has been converted into law, enabling the elderly not to fall into destitution or dependence on charity. Section 5 enables an application for maintenance to be filed before a Maintenance Tribunal by the senior citizen or parent themselves, through an authorized representative, or even *Suo motu* by the Tribunal. The law provides that such applications shall be disposed of within 90 days, extendable by 30 days, and allows the Tribunal to grant interim maintenance wherever necessary.<sup>47</sup> For default in paying such maintenance, the law provides for the issue of a warrant for levying the due amount or imprisonment up to one month, thereby ensuring effective enforcement.

Section 12 provides an essential procedural safeguard by giving the right to a person entitled to maintenance to decide whether to claim it under this Act or under Chapter IX of the Code of Criminal Procedure, 1973, but not under both, with the sole aim of preventing duplication of claims.<sup>48</sup> Furthermore, Section 13 enforces that the person who is liable under an order for paying maintenance shall pay it within thirty days of the date of the order concerned, ensuring

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<sup>43</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 1.

<sup>44</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 2.

<sup>45</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 3.

<sup>46</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 4.

<sup>47</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 5.

<sup>48</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 12.

timely support for the elderly.<sup>49</sup> Under Section 14, the Tribunal may order simple interest on the amount of maintenance to be paid, which shall not be less than 5% and not more than 18% per annum, acting thus as deterrent against delays in making such payments to bring in an element of accountability.<sup>50</sup>

### **Adjudication and claims**

The adjudicatory framework under the Act provides for simple, accessible, and time-bound justice to elderly persons claiming maintenance or protection. Section 6 confers jurisdiction on the Tribunal to take proceedings in any area where the applicant or the respondent (children or relative) resides or last resided, thereby making the process geographically convenient for aged complainants. The Tribunal has powers similar to that of a Judicial Magistrate for enforcing attendance and securing evidence. It may also refer the case to a Conciliation Officer to encourage amicable settlement before proceeding with a full hearing.<sup>51</sup> This mechanism emphasizes both speed and compassion, recognizing that elderly claimants require sensitive handling rather than adversarial litigation.

Under Section 7, the State Government is obliged to constitute one or more Maintenance Tribunals in each sub-division, presided over by an officer not below the rank of Sub-Divisional Officer (SDO).<sup>52</sup> These quasi-judicial bodies ensure that elderly victims have easy access to justice at the local level. Section 8 allows the Tribunal to follow a summary procedure, equipped with all the powers of a Civil Court for taking evidence, enforcing attendance, and calling for documents.<sup>53</sup> This avoids procedural delays and facilitates the process for the senior citizens, who might otherwise find difficulty in understanding and dealing with the cumbersome process of formal court procedures.

Where such neglect or refusal to maintain is proved, Section 9 enables the Tribunal to order a monthly maintenance allowance, securing a regular flow of monetary support to the elderly. It puts an upper limit of ten thousand rupees per month, which is always subject to revision by the State Government, balancing sustainability with equity.<sup>54</sup> Variation in the amount of maintenance, under changed circumstances, and modification of the said order if it was passed due to misrepresentation or some mistake of fact, can be ordered by the Tribunal as per Section

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<sup>49</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 13.

<sup>50</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 14.

<sup>51</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s.6.

<sup>52</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 7.

<sup>53</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 8.

<sup>54</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 9.

10.<sup>55</sup> These provisions make the law responsive and flexible to the changing needs of elderly citizens.

### **Tribunals and procedures**

The Act also provides an appellate mechanism in order to ensure fairness. Section 11 states that maintenance orders passed by the Tribunal shall be executed in the same manner as an order under Chapter IX of the Code of Criminal Procedure, 1973, thus having the same force and effect as a judicial decree.<sup>56</sup> Section 15 makes it obligatory on every State Government to constitute an Appellate Tribunal at the district level, presided over by an officer not below the rank of District Magistrate, for hearing appeals against the orders of the Maintenance Tribunal.<sup>57</sup> Section 16 requires that an appeal shall be filed within sixty days, and the appellant shall continue to pay the maintenance during the pendency of appeal. The order of the Appellate Tribunal is final and binding to ensure that disputes are disposed of with expedition.<sup>58</sup>

One of the hallmark provisions of the Act, however, is its prohibition on legal representation before Tribunals. According to Section 17, no party shall be represented by a lawyer, so that the proceedings remain informal, inexpensive, and elderly-friendly.<sup>59</sup> Recognizing the fact that many senior citizens may not be capable of representing themselves, Section 18 provides for the appointment of a Maintenance Officer, typically of the rank of District Social Welfare Officer, who may represent the elderly parent during proceedings if they so choose.<sup>60</sup> This way, the procedural framework remains accessible while fairness and support for the elderly litigant are preserved.

### **Welfare, Medical Care and protection**

Apart from maintenance, the Act provides for the all-round welfare and protection of elderly persons. Section 19 mandates every State Government to establish at least one old-age home in each district, on a phased manner, with the capacity to accommodate at least 150 indigent senior citizens.<sup>61</sup> These homes are to be equipped to provide for not only food and shelter but also medical care, recreation, and social engagement. This provision ensures that abandoned or destitute elders are not left without refuge.

Moreover, Section 20 mandates the State Government to provide special provisions for medical

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<sup>55</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 10.

<sup>56</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 11.

<sup>57</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s.15.

<sup>58</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 16.

<sup>59</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 17.

<sup>60</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 18.

<sup>61</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 19.

care to senior citizens by reserving beds for them in government hospitals, arranging separate queues, expanding facilities for chronic or terminal diseases, and setting up geriatric wards in every district hospital.<sup>62</sup> This provision is a recognition that healthcare forms a central component of welfare with respect to the aged and promotes the constitutional right to health under Article 21.

Section 21 mandates awareness and training measures, directing State Governments to ensure wide publicity of the Act, conduct periodic sensitization programmes for government officials, police, and judicial officers, and promote inter-departmental coordination for elder welfare.<sup>63</sup> Section 22 vests the District Magistrate with overall responsibility for implementing the Act and for ensuring protection of the life and property of senior citizens.<sup>64</sup> The Magistrate is empowered to coordinate with law enforcement, welfare departments, and NGOs to safeguard elderly persons from abuse, neglect, or exploitation.

Finally, Section 23 has a strong property protection mechanism. It states that if a senior citizen transfers property to a child/relative on the condition that the latter will provide the former basic needs and care, and the transferee fails to do so, such transfer shall be deemed void at the option of the transferor.<sup>65</sup> This provision addresses directly one of the most common forms of elder abuse in India—property grabbing by family members—and returns control and dignity to the elderly owner.

### **Offences and Legal Administration**

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, not only provides for the right of maintenance and welfare but also prescribes penal provisions to ensure compliance and deterrence. Section 24 criminalizes the act of intentionally abandoning or exposing a senior citizen who is under one's care or protection. Such abandonment—normally at the hands of children, relatives, or caregivers—is one of the gravest forms of elder abuse. The provision prescribes imprisonment up to three months, a fine up to ₹5,000, or both, thereby ensuring accountability for neglect.<sup>66</sup> It symbolizes the legislative recognition that abandonment of elders is a moral and legal wrong that violates their right to dignity and protection under Article 21 of the Constitution.

Section 25 states that all offences under the Act are cognizable and bailable and shall be tried

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<sup>62</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 20.

<sup>63</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 21.

<sup>64</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 22.

<sup>65</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 23.

<sup>66</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 24.

summarily by a Magistrate.<sup>67</sup> This ensures that cases are dealt with speedily and that elderly victims are not burdened by protracted or complicated legal proceedings. The procedures for summary trial assist in the delivery of justice in a manner compatible with the principle of speedy relief. Furthermore, Section 26 considers all officers appointed under the Act, including Maintenance Officers, members of the Tribunal, and administrative staff below them, as public servants within the meaning of Section 21 of the Indian Penal Code.<sup>68</sup> This status strengthens their accountability to ensure that responsibilities for elderly welfare are discharged in a responsible and transparent manner.

### **Miscellaneous Chapter**

The Miscellaneous Chapter of the Act, comprising Sections 27-32, gives administrative and procedural clarity for proper implementation. The very important Section 27 here ousts the jurisdiction of civil courts regarding matters that are covered by the Act, lest there be double litigation and undue delays.<sup>69</sup> It goes ahead to prohibit the issuance of injunctions in such cases to ensure no impediment to maintenance and welfare proceedings. This clause underlines the self-contained nature of the Act and prioritizes speedier administrative justice via Maintenance Tribunals rather than conventional civil courts.

Under Section 28, protection is granted for the government and its officers with regard to things done in good faith under the Act.<sup>70</sup> Thus, no legal proceeding can lie against the Central or State Governments, or any officer for actions in good faith. This saves the public servants from trifling litigations and ensures in good faith the implementation of welfare measures. According to Section 29, within a period of two years from the commencement of the Act, the State Government is empowered to remove difficulties arising in the practical enforcement of the Act.<sup>71</sup>

In addition, Section 30 enables the Central Government to give directions to the State Governments to secure uniformity in the implementation of the Act throughout India.<sup>72</sup> For efficient supervision, Section 31 also empowers the Central Government to review from time to time and to monitor the implementation of the Act by the State Governments for ensuring transparency and evaluation of policy outcomes.<sup>73</sup> Finally, under Section 32, the State

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<sup>67</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 25.

<sup>68</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 26.

<sup>69</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 27.

<sup>70</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 28.

<sup>71</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 29.

<sup>72</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 30.

<sup>73</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 31.

Governments are empowered to make rules for carrying out the purposes of the Act. This covers the area of framing detailed procedures for maintenance applications, maximum allowances, maintenance of old age homes, and preparation of protection plans for senior citizens.<sup>74</sup>

Collectively, these provisions reinforce the administrative backbone of the legislation, ensuring its operation is both efficient and adaptable. They bridge the gap between policy and practice, empowering both central and state authorities to uphold the welfare and dignity of senior citizens. The integration of enforcement mechanisms, administrative clarity, and procedural safeguards makes this Act a comprehensive social security measure, which changes the moral duty of elder care into a legally enforceable right.<sup>75</sup>

### **VIII. GOVERNMENT INITIATIVES AND CONCESSION**

Recognizing the rapid growth of the elderly population and their increasing vulnerability to neglect, financial insecurity, and health challenges, the Government of India has promulgated various social welfare schemes and concessions in order to improve the quality of life and ensure social protection for senior citizens. These cover main areas like income security, healthcare, rehabilitation, assistive support, and recognition of contributions made by the elderly to society. Put together, they reflect the evolving policy commitment of India towards creating an inclusive and dignified environment for its ageing citizens.

#### **Indira Gandhi National Old Age Pension Scheme (IGNOAPS), 1995**

The Indira Gandhi National Old Age Pension Scheme (IGNOAPS) was started in 1995 under the National Social Assistance Programme to provide financial security to needy elderly people living below the poverty line.<sup>76</sup> It assures a pension of ₹200 every month for persons aged 60 to 79 years and ₹500 for those aged 80 years and above. The amount is supplemented by matching contributions from State Governments, depending on fiscal capacity. Consequent upon this, the objective is to assure a minimum subsistence income to elderly persons lacking family support or savings. Though meager in amount, the scheme continues to be an important aspect of the safety net for millions of impoverished elders in the country, especially in rural and semi-urban India.

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<sup>74</sup> The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 32.

<sup>75</sup> Issac, T. G., Ramesh, A., Reddy, S. S., Sivakumar, P. T., Kumar, C. N., and Math, S. B., "Maintenance and Welfare of Parents and Senior Citizens Act, 2007: A Critical Appraisal", *Indian Journal of Psychological Medicine*, Vol. 43, No. 5 (Suppl), pp. S107–S112 (2021), doi: 10.1177/02537176211043932, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8543606/> (last visited Dec. 2, 2025).

<sup>76</sup> Ministry of Rural Development, National Social Assistance Programme (NSAP), Government of India, 1995, available at: <https://nsap.nic.in> (last visited Dec 3, 2025).

**National Programme for Health Care of the Elderly (NPHCE), 2010**

The National Programme for Health Care of the Elderly (NPHCE) was initiated in 2010 by the Ministry of Health and Family Welfare, with the objective of providing comprehensive, accessible, and affordable healthcare services to persons aged 60 years and above.<sup>77</sup> It aims at integrating geriatric care into India's public health system through setting up dedicated Regional Geriatric Centres at premier hospitals, 10-bedded geriatric wards in District Hospitals, rehabilitation units in Community Health Centres, and weekly geriatric clinics in Primary Health Centres. Besides, home-based care and caregiver training are also encouraged.

**Rashtriya Vayoshri Yojana (RVY), 2017**

The RVY, which was launched in 2017, provides free assistive devices and aids to senior citizens of the BPL category who have age-related disabilities/infirmities. The scheme is implemented by ALIMCO under the Ministry of Social Justice and Empowerment. Devices distributed under the scheme include hearing aids, walking sticks, wheelchairs, dentures, and spectacles, among others. It thus recognises that mobility, sensory impairment, and decline in functional ability are major barriers to the independence of the elderly. RVY, by its assistive support, promotes active ageing, self-reliance, and social inclusion among economically disadvantaged senior citizens.

**Pradhan Mantri Shram Yogi Maandhan Yojana (PM-SYM), 2019**

In 2019, the PM-SYM was launched as a voluntary and contributory pension scheme that was aimed at providing old-age income security for workers of the unorganized sector aged 18 to 40 years earning below ₹15,000 per month. The scheme ensures a minimum monthly pension of ₹3,000 after the age of 60. The contribution is shared equally (on a 50:50 basis) by the worker and the Government. Though primarily designed for informal sector workers, the PM-SYM indirectly benefits a large segment of the population in India that will grow old without formal pensions or savings.

**Vayoshreshtha Sammans – National Awards for Senior Citizens, 2005**

Instituted in 2005, the Vayoshreshtha Sammans are National Awards for Senior Citizens created by the Ministry of Social Justice and Empowerment.<sup>78</sup> These awards recognize outstanding contributions by senior citizens and organizations working for the cause of the elderly. The

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<sup>77</sup> Ministry of Health and Family Welfare, National Programme for Health Care of the Elderly (NPHCE), 2010, available at: <https://main.mohfw.gov.in/major-programmes/other-national-health-programmes/national-programme-health-care-elderly-nphce> (last visited Dec 3, 2025).

<sup>78</sup> Ministry of Social Justice and Empowerment, Vayoshreshtha Sammans – National Awards for Senior Citizens, Government of India, 2005,

awards are presented annually on October 1<sup>st</sup>-the International Day of Older Persons. Categories include lifetime achievements, exemplary services by institutions, and innovation in elder care. By publicly honoring both individual elders and caregiving organizations, the scheme tries to promote respect, appreciation, and positive visibility for the elderly within Indian society. It also serves as a motivation for public participation in elder welfare initiatives.

### **Other Government Concessions and Facilities for Senior Citizens**

The Government of India offers a wide range of financial, health, and travel concessions for senior citizens, besides welfare schemes. They include 50% railway fare concessions for women above 58 years and 40% for men above 60 years, priority seating and counters in public offices, and income tax rebates for individuals aged 60 years and above with higher exemptions for super-senior citizens (80+). Many states also offer property tax rebates, free legal aid, and pension top-ups. Public sector banks provide higher interest rates on deposits, and several airlines and hospitals offer discounts and dedicated service lines.

### **Integrated Programme for Older Persons (IPOP)**

Among the earliest and most comprehensive welfare initiatives for senior citizens to elevate the quality of life is the Integrated Programme for Older Persons (IPOP).<sup>79</sup> It aims at providing basic amenities like shelter, food, medical care, and recreation, besides promoting productive and active ageing. It encourages older persons to continue being socially engaged and self-reliant through skill development, community participation, and intergenerational interaction. It provides financial assistance to governmental, non-governmental, and community-based organizations, including PRIs and local bodies, for establishing and maintaining old-age homes, day care centres, mobile medicare units, and counseling centres. Assistance is also provided for research and awareness activities to prevent elder abuse and promote inclusion. IPOP therefore stands as a model of holistic elder care, combining welfare with empowerment.

### **Senior Citizens' Welfare Fund (SCWF)**

The Senior Citizens' Welfare Fund, constituted under the Finance Act of 2015, is a corpus exclusively dedicated to ensuring the welfare of the elderly through targeted interventions.<sup>80</sup> It is financed through unclaimed amounts in small savings schemes, insurance policies, provident funds, and other government deposits that have remained dormant for more than seven years.

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<sup>79</sup> Ministry of Social Justice and Empowerment, Integrated Programme for Older Persons (IPOP) [also referred as IPSrC], Government of India, as listed among central schemes, available at: <https://socialwelfare.delhi.gov.in/social/list-schemes-ministry-social-justice-and-empowerment> (last visited Dec 3, 2025).

<sup>80</sup> Ministry of Social Justice and Empowerment, Elderline – National Helpline for Senior Citizens (14567), available at: <https://scw.dosje.gov.in/elderline> (last visited Dec 3, 2025).

The money is then utilized for projects and programs relating to financial security, healthcare, nutrition, and social well-being among the elderly. The SCWF offers grants for various pro-elderly innovative programs by governmental and non-governmental organizations, especially those addressing healthcare delivery, digital literacy, and social inclusion.

### **Elderline – National Helpline for Senior Citizens (14567)**

Recognizing the escalating requirement for accessible grievance redressal and emotional support, the Government of India launched a pan-India helpline for senior citizens called Elderline on 1<sup>st</sup> October 2021.<sup>81</sup> This toll-free number (14567) offers information, guidance, counseling, emotional support, and field intervention in cases of neglect, abuse, and abandonment free of any charges. The service is available daily from 8 a.m. to 8 p.m. and covers all States and Union Territories. The telephone operations of Elderline are jointly managed by the Ministry of Social Justice and Empowerment and the National Institute of Social Defence (NISD), with State Governments and NGOs participating at the State level. The helpline is facilitating rescue operations, medical assistance, and counseling for distressed senior citizens. It acts as an important support mechanism in bridging the gap between policy and ground-level protection and ensuring that the voice of elderly persons is heard and a responsive system is in place whenever they face a crisis.

### **Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PM-JAY)**

Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana, launched in 2018, is the flagship scheme of the Government of India for universal health protection. Very recently, it has been expanded to provide free health insurance coverage of ₹5 lakh per annum to all senior citizens above 70 years of age, irrespective of their economic condition.<sup>82</sup> This indicates the intent of the Government toward inclusive healthcare and recognizes that elderly persons have a higher medical vulnerability. The hospitalization expenses on account of both pre-existing and chronic diseases are covered under the scheme, reducing the financial burden of medical expenses on older adults. It incentivizes cashless and paperless treatment facilities at empaneled private and public hospitals. Integration of financial protection with healthcare delivery ensures through Ayushman Bharat that elderly persons receive timely medical treatment without economic hardship and social neglect.

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<sup>81</sup> Ministry of Social Justice and Empowerment, Elderline – National Helpline for Senior Citizens (14567), available at: <https://scw.dosje.gov.in/elderline> (last visited Dec 3, 2025).

<sup>82</sup> Ministry of Health and Family Welfare, Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PM-JAY), Government of India, 2018 (Expanded 2023), available at: <https://pmjay.gov.in/> (last visited Dec 3, 2025).

## IX. CASE LAWS

### **Ashwani Kumar v. Union of India (2018)**<sup>83</sup>

In this case the Supreme Court of India passed a landmark judgment saying that the rights of elderly persons form part of the right to life and dignity under Article 21 of the Constitution. A petition was filed under Article 32 by former Union Law Minister Dr. Ashwani Kumar, painting a grim picture of the callous disregard for senior citizens and the near total non-implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He prayed for judicial directions to be issued on ensuring adequate old-age pensions, old-age homes, access to geriatric and palliative healthcare, and to improve awareness of welfare schemes.

The Supreme Court ordered the Union and State Governments to take coordinated and concrete steps for the welfare of senior citizens, and ordered the Centre to seek data from all States and Union Territories on old-age homes and geriatric care facilities, publicize and effectively enforce the 2007 Act, and revisit the pension schemes under the National Social Assistance Programme to make them realistic in view of the right to live with dignity. The Court also proclaimed the statutory duties cast by Sections 19 to 21 of the 2007 Act requiring establishment of at least one well-equipped old-age home in every district, provision of earmarked hospital beds and separate queues for elderly patients and wide publicity of welfare provisions. The Court kept the matter pending for monitoring, symbolizing the commitment of the Court to ensure that promises in the Constitution and statutory provisions for the elderly are not rendered illusory but translated into tangible social justice.

### **Justice Shanti Sarup Dewan v. Union Territory of Chandigarh (2013)**<sup>84</sup>

In this case, the Punjab and Haryana High Court passed an important judgment in 2013 expanding the umbrella of protection under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Facts giving rise to this judgment involved Justice Shanti Sarup Dewan, the former Chief Justice of the said court, and his wife, a senior citizen, being harassed and made to feel insecure by their son subsequent to the transfer of their house at Chandigarh in his name. Though the parents were the statutory owners of the house, the son made their residence untenable. The matter was placed directly before the High Court in the form of a writ petition and thereafter an appeal, wherein not only the family dispute was considered but also a larger administrative failure in bringing into force the 2007 Act within the Union Territory. Issues which the court considered were: whether the parents could still claim a right to residence and

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<sup>83</sup> (2019) 2 SCC 636.

<sup>84</sup> LPA 1007/2013.

protection under the Act even after transferring the property and whether the Chandigarh Administration had performed its statutory obligations under Sections 21–23 and 32 for ensuring the life and property security of senior citizens.

The High Court, taking a purposive Interpretation of the words in the enactment, held that the 2007 Act should be applied in a liberal manner so as to achieve its intended purposes of welfare, maintaining dignity, safety, and autonomy of the senior citizen. It found serious deficits in the implementation by Chandigarh in the form of non-constitution of properly constituted Maintenance and Appellate Tribunals, non-framing of rules, and lack of a separate mechanism for protection. The court said that the intent of the Act goes beyond providing mere monetary maintenance to include security and peaceful enjoyment of property. Accordingly, it accepted the mediation panel's suggestion to direct the son and his family to vacate the house (House No. 642, Sector 11-B) to enable the aged parents to live there peacefully. It further ordered that the Chandigarh Administration frame rules under Section 32; constitute special cells for the protection of the elderly; and make certain that the Maintenance Tribunals could issue eviction orders against abusive relatives in appropriate cases. This judgment has since become a landmark precedent in the law on the elderly, confirming that the right to maintenance under the 2007 Act encompasses protection of property and residence. The court extended the reach of the law to include cases of domestic harassment and property misuse, recognising the right of the elderly not only to maintenance but to live with dignity, security, and peace within their own homes—a key aspect of the guarantee of the right to life by Article 21.

**S. Vanitha v. Deputy Commissioner, Bengaluru Urban District, (2020)<sup>85</sup>**

In this case a two-Judge Bench of the Supreme Court of India dealt with an important conflict between two welfare legislations—namely, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Protection of Women from Domestic Violence Act, 2005 (DV Act). This appeal arose from an order passed by the authorities under the Senior Citizens Act, directing the eviction of the appellant, a divorced woman named Vanitha, from her matrimonial home on the application made by her aged in-laws. The property, though originally purchased in the name of the husband, was subsequently transferred to his parents, who then invoked the Senior Citizens Act, seeking possession. The Karnataka High Court upheld the eviction order, which was challenged by Vanitha under Article 136 of the Constitution before the Supreme Court. The question that arose for determination was whether the tribunals under the Senior Citizens Act could summarily evict a daughter-in-law from a “shared household” so as to

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<sup>85</sup> 2020 INSC 701.

override her statutory right of residence under Sections 2(s) and 17 of the DV Act.

The Supreme Court held that both the Senior Citizens Act and the DV Act are social-welfare legislations designed to protect vulnerable groups—senior citizens and women—and thus must be harmoniously construed. However, while Section 3 of the Senior Citizens Act states that its provisions override inconsistent laws, the Court explained that this cannot be interpreted to nullify a woman’s rights to residence under the DV Act, particularly when Section 36 of the latter provides that its remedies are in addition to other legal remedies. The Court further observed that a woman’s right to reside in the shared household is an independent and substantive right, not dependent on ownership or title, and cannot be defeated by summary eviction proceedings. As the lower authorities and the High Court had overlooked the pending DV proceedings and the residence claim of Vanitha, the eviction orders were unsustainable, held the Supreme Court. Setting aside the eviction orders, the Court held that tribunals under the Senior Citizens Act can indeed pass eviction directions in order to protect elderly persons but that they must do so by balancing the competing statutory rights and keeping in mind pending DV Act proceedings. The judgment thus confirmed that both laws operated within distinct yet complementary fields, requiring sensitivity and coordination rather than mechanistic enforcement. This decision is now a landmark jurisprudence on harmonizing welfare statutes and lays down that rights of protection accorded to senior citizens cannot be leveraged to arbitrarily displace rights of residence and security accorded to women, thus effectuating justice between the two categories of vulnerable groups consistent with the constitutional principles of dignity and equality.

### **Rajeswar Prasad Roy v. State of Bihar (2025)<sup>86</sup>**

Exercising this power, in *Rajeswar Prasad Roy v. State of Bihar*, the Supreme Court of India has upheld the power of Maintenance Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to order eviction of abusive children and relatives from the self-acquired property of senior citizens. The appeal arose from a situation in which the appellant, a retired engineer, allowed his son and daughter-in-law to temporarily occupy part of his Patna residence, then was subjected to harassment and attempts on their part to take control of the property. Finding that the house constituted the appellant’s self-acquired asset, and that the conduct of the respondents jeopardized his peace and security, a Maintenance Tribunal exercising powers under the 2007 Act ordered the eviction of the respondents. An order passed by a Single Judge of the Patna High Court upholding the said order was reversed by a Division

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<sup>86</sup> SLP(C) No. 7675/2024.

Bench, inter alia, on the ground that no eviction could be granted in the absence of a specific claim for “maintenance” falling under Section 23(1) and in view of the pending domestic violence proceedings filed by the daughter-in-law.

In effect, therefore, the Supreme Court reversed the Division Bench by holding that the Senior Citizens Act is a welfare legislation aimed at providing simple, speedy, and effective relief to aged persons facing neglect or abuse. The Court found the Tribunal’s jurisdiction under the Act to be not confined to monetary maintenance but embraced protective orders, including eviction, when necessary to secure the life and property of senior citizens. In addition, it explained that, when complaint and grievance are otherwise made out, the absence of a formal claim for maintenance cannot defeat substantive justice because the substance of the grievance and not its form, leads to relief under the Act. It thus revived the Tribunal’s eviction order and granted time till 31 May 2025 to vacate, upon non-compliance with which enforcement action would follow. The judgment reinforces the wide remedial powers conferred upon Maintenance Tribunals to safeguard elderly persons from domestic harassment and underscores that residence rights under the DV Act may not be misused to subvert the statutory protection accorded to senior citizens.

## **X. CHALLENGES IN ACCESS TO JUSTICE**

### **1. Underreporting of Crimes**

Underreporting of the crimes is a serious issue that victims in old age face in India. Most older people fear approaching law-enforcing authorities due to apprehension from retaliation, emotional dependence on abusers, mostly family members, and lack of belief in police taking their complaints seriously. Research by studies indicates that almost half of the cases of elder abuse go unreported due to the prioritizing of victims for family honour and a fear of social isolation if they complain against relatives.

### **2. Police Apathy and Procedural Barriers**

The elderly victims often face procedural obstacles at the police station itself-refusal to register FIRs, delay in investigation, or insensitive attitude by police officers. Lack of special protocols to deal with senior citizens is also a discouraging factor. The Justice Verma Committee pointed out the lacunae in police response vis-à-vis vulnerable victims, including the elderly. When the first point of contact itself becomes hostile, victims lose trust in the legal system.

### **3. Low Legal Literacy and Awareness**

Large numbers of older people are unaware of the protection accorded to them by Maintenance

and Welfare of Parents and Senior Citizens Act, 2007, and the Domestic Violence Act, along with relevant provisions under BNS and BNSS. Low literacy levels add to technological barriers and inadequate access to legal aid. In such a scenario, recognition of abusive acts as a crime often does not take place among elderly victims, especially for financial and psychological neglect.

#### **4. Economic dependence on perpetrators**

This vulnerability is enhanced because elderly people are often economically dependent on their children or caregivers. There are instances where the elders, due to economic dependence, are hesitant to complain or file an application in court against their abusive children or caregivers for fear of being deprived of support and shelter. In addition, many perpetrators issue ultimatums, threatening to withdraw maintenance or property rights. Such tactics often keep the victims of abuse in the abusive environments they find themselves trapped in.

#### **5. Fear of Social Stigma and Family Breakdown**

Strong cultural expectations of family cohesion in Indian society generally pressurize the elderly victims to keep silent. Complaining against one's children or relatives is seen as socially undesirable and thus creates a lot of emotional turmoil among the elderly. Fear of blame, ostracism, or being relocated to old-age homes keeps them from seeking justice. As a result, most of the cases of elder abuse remain hidden in the privacy of the house.<sup>87</sup>

#### **6. Delay in Judicial Processes**

Lengthy court procedures and repeated adjournments of the case with slow trials have made the justice system exhausting for the elderly victim. Most of the older persons suffer from health issues, problems with mobility, or limited financial resources, making it difficult for them to attend court dates regularly. Absence of fast-track courts or priority hearings for elderly cases further aggravates their misery, mostly resulting in withdrawal of complaints.

#### **7. Inadequate Institutional Support and Rehabilitation**

India does not have an integrated network of shelters, counselling centres, and rehabilitation programs for elderly victims of crime. Institutional mechanisms present today are highly urban-centric and well beyond the reach of rural elders. Deprived of required psychological support, medical aid, or long-term succor, elderly victims can hardly rebuild their lives in case of abuse.

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<sup>87</sup> Kumar, Yatish and Bhargava, Anita, "Elder Abuse in Indian Families: Problems and Preventive Actions", *International Journal of Indian Psychology*, Vol. 10, No. 2 (2022), available at: [https://www.researchgate.net/publication/365343427\\_Elder\\_Abuse\\_in\\_Indian\\_families\\_Problems\\_and\\_Preventive\\_Actions](https://www.researchgate.net/publication/365343427_Elder_Abuse_in_Indian_families_Problems_and_Preventive_Actions) (last visited Dec. 2, 2025).

This gap at the institutional level is one of the major factors in their victimization.

### **8. Digital and Cyber Vulnerability**

With increasing digitization, older persons are being targeted through new forms of cybercrimes: phishing, OTP fraud, impersonation, and financial scams. The limited technological literacy of elderly persons makes them easy prey for cybercriminals. The reporting of cybercrimes involves online complaint procedures that are not possible to be undertaken by most older persons. This digital divide leaves them vulnerable to financial and emotional harm with very little protection.

## **XI. SUGGESTIONS**

### **1. Strengthening Legal Framework on Elderly Protection**

The country needs more stringent, dedicated legislation on all forms of elder abuse-physical, emotional, financial, and digital crimes. Though the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 forms a base, it lacks in having stringent penal consequences and mechanisms for effective enforcement. Introducing mandatory reporting provisions for caregivers, defining financial exploitation as a specific offence, and ensuring uniform implementation across states would go a long way in giving greater protection to the elderly.

### **2. Establishment of Fast Track Courts for Elderly Victims**

Judicial delays disproportionately affect senior citizens, many of whom struggle with various health and mobility problems. Fast-track courts or dedicated benches for cases related to elderly victims are very necessary to ensure priority hearings and speedy disposal while minimizing adjournments. This mechanism would not only lighten the psychological burden on elderly litigants but also restore their faith in the system of justice by ensuring timely relief and accountability.

### **3. Sensitization Training for Police Officers**

The police are also usually devoid of special training in encountering older victims with empathy. Sensitization modules for police personnel at both training and field levels are necessary on communication skills, understanding age-related vulnerabilities, and providing procedural support. At the same time, senior citizen-friendly help desks in all police stations can establish greater accessibility and less intimidation for elderly complainants.

### **4. Strengthening Legal Assistance and Awareness Programs**

Many elderly victims are still unaware of their rights and the protection available to them.

Government and legal services authorities need to increase legal literacy programs at the community level for senior citizens, particularly in rural and semi-urban areas. Making elderly people empowered enough to seek timely help would be possible through mobile legal aid clinics, simplified legal brochures in local languages, and regular outreach by para-legal volunteers. Awareness should also include the family members and caregivers to inspire responsible behavior.

### **5. Improved Financial Security and Reduced Dependence**

The economic dependence of the elderly is often the core of various abuses. Strengthening pension schemes, timely disbursement of benefits, subsidized health care, and increasing old-age insurance would reduce financial vulnerability. Encouragement of digital literacy among the elderly, fraud-reporting helplines, and one-stop financial counseling centers can reduce exploitation. When the elderly are economically secure, they become confident in asserting their rights and less dependent on family members who abuse them.

### **6. Expanding Institutional Care and Rehabilitation Services**

What India requires is a more extensive network of accessible and affordable old-age homes, temporary shelters, day-care centers, and rehabilitation facilities dedicated to elderly victims. Presently, services are scant and confined to small pockets in urban areas. Stronger public-private partnerships, grants to NGOs, and trained personnel in caregiving institutions can go a long way in enhancing the quality of support provided. Rehabilitation should cover counseling, medical treatment, legal guidance, and preparation of long-term care plans.

### **7. Community Policing and Neighborhood Support Mechanisms**

Local vigilance and a sense of social responsibility through community-based initiatives can go a long way in elderly safety. Police should develop structured community policing programs involving residents, volunteers, and local bodies to keep a watch on and support vulnerable seniors. Regular visits to elderly households, maintenance of updated senior citizen databases, and encouragement of neighborhood watch groups would deter potential abusers.

### **8. Using Technology to Protect Elders**

Other interventions include the use of digital tools for enhancing elderly safety, such as mobile emergency apps, GPS-based monitoring, video calling check-ins, and automated complaint systems. This calls for user-friendly platforms to be designed specifically for senior citizens by governments and NGOs for easy access, with support for multilingual dialects. The integration of these with police databases and emergency response teams for quick intervention should be

facilitated. Cybercrime reporting portals should also be made easier for elderly victims.

## **XII. CONCLUSION**

In conclusion, the legal and policy framework for senior citizens in India aims at ensuring their dignity, security, and welfare through laws such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, among others, and various government schemes. The courts have given a wider meaning to include safety, shelter, and peaceful living in maintenance. Programmes like IGNOAPS, NPHCE, and Elderline reflect the government's approach towards active and healthy ageing. However, there are issues concerning underreporting, delay in procedures, and lack of awareness. Ensuring justice for the elderly demands stronger enforcement, sensitized administration, and a compassionate societal approach so that every senior citizen can live with dignity and security in their later years.

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