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Juridical Perspectives on Aging: A Comparative Study of Laws in India, UK, and USA

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ABSTRACT

The aging population, constituting an essential and expanding sector of the worldwide populace, embodies a wellspring of knowledge, expertise, and tenacity. In the face of global demographic shifts characterized by an unparalleled rise in life expectancy, it becomes crucial to comprehend and cater to the distinctive requirements of the elderly. The term "elderly" refers to individuals who have progressed through diverse life stages, bringing with them a diverse array of experiences, obstacles, and achievements. This doctrinal research exclusively focuses on a comparative analysis of elderly laws in India, UK, and the USA. The study meticulously examines the statutory frameworks, legal provisions, and judicial precedents pertinent to aging populations in each jurisdiction. Through a meticulous review of primary legal sources, this research aims to identify similarities, divergences, and gaps within the legal frameworks of India, UK, and the USA concerning elderly rights and protections. The analysis is anchored in a doctrinal approach, emphasizing the interpretation and application of legal texts. By scrutinizing the doctrinal aspects of elderly laws, the purpose of this study is to offer an extensive comprehension of the lawful scene surrounding aging in these three jurisdictions. The outcomes of this study contribute to legal scholarship by offering insights into the doctrinal intricacies of elderly legislation, facilitating a nuanced comprehension of the legal dimensions of aging in distinct legal systems.

Keywords: Aging, Comparative analysis, Elderly laws, Senior citizen.

I. INTRODUCTION

At a time of unprecedented demographic change, aging populations are evidence of profound changes shaping societies around the world.² As countries grapple with the challenges and opportunities presented by aging populations, the role of legal frameworks to protect the privileges and prosperity of the senior citizens becomes paramount.³

¹ Author is a Research Scholar at School of Law, University of Kashmir, India.

² Bloom, D. E., & Luca, D. L. (2016). The Global Demography of Aging. In Handbook of the Economics of Population Aging.

³ Cox, C., Pardasani, M. Aging and Human Rights: a Rights-Based Approach to Social Work with Older Adults.

The article begins with a careful consideration of the legal perspectives governing older people in her three different jurisdictions: India, the United Kingdom, and the United States (USA).

The phenomenon of aging crosses national borders and affects countries with different cultural, historical and legal frameworks. Against this background, it is important to understand how different legal systems consider the rights and protection of older people. This study attempts to untangle the complex legal web that describes the management of aging societies in India, the United Kingdom, and the United States through a lens that combines comparative analysis and doctrinal research methodologies. As we embark on this comparative journey, our overarching goal is to decipher the unique approaches, similarities, and differences in legal frameworks tailored to the evolving needs of older adults.

Adopting a doctrinal research approach, we focus on the interpretation and analysis of legal texts, statutes, and case law. Through this lens, we aim to contribute to the ongoing discourse on elderly rights, offering insights that may inform future legal scholarship, guide policy reforms, and foster a deeper comprehension of the dynamic intersection of law and aging.

(A) Objectives of the study

The study aims to:

1. Investigate legislative frameworks for elderly rights in India, UK, and the USA, considering historical evolution and key statutory provisions.
2. Conduct a comparative analysis to reveal commonalities, differences, and contextual factors in legal approaches to elderly rights.
3. Evaluate the practical effectiveness and enforcement mechanisms of elderly laws in each jurisdiction, identifying critiques and challenges.
4. Propose targeted recommendations and areas for improvement in the legal safeguards for the elderly.

(B) Research methodology

In this research paper titled "Juridical Perspectives on Aging: A Comparative Study of Laws in India, the UK, and the USA," we aim to explore and compare the legal frameworks surrounding aging populations in these three diverse jurisdictions. The research will employ a jurisprudential approach to doctrinal analysis, emphasizing the exploration of legal philosophies and principles underpinning aging-related laws. The comparative legal analysis will carefully scrutinize the

doctrinal trends, consistencies, and divergences across India, the UK, and the USA, contributing nuanced insights into the doctrinal aspects of aging laws in these diverse legal contexts. To carry out this study, Personal and customary laws, the Indian, US, and British Constitutions, and case law Laws have been reviewed for comparison purposes. Moreover, resort has been taken to books, diaries, insightful articles, papers, booklets, and additionally, relevant websites.

II. NATIONAL AND INTERNATIONAL INSTRUMENTS' DEFINITION OF THE ELDERLY OR SENIOR CITIZENS

There is no ubiquitous definition of the term 'elderly'. For the most part, individuals matured 60 years or above are considered as old individuals. The first worldwide framework for aging that directs policy and program development is The Vienna International Plan of Action on Ageing, 1982.⁴ The Vienna Plan of Action emphasizes key principles such as independence, participation, care, self-fulfilment, and dignity of senior citizens. It encourages member states to recognize the diversity of older persons and to adopt measures that respect their rights and address their specific needs.⁵ Everybody 60 years of age or over was classified as an elderly person by the United Nations.⁶

*"Senior citizen means any person being a citizen of India, who has attained the age of sixty years or above."*⁷

Senior citizens in the United States are typically defined as individuals who are at least 65 years old. This age holds significance because it marks eligibility for federal benefits like Medicare.⁸ The age at which somebody is normally viewed as a senior resident in the UK is normally around 60 to 65 years of age, and it can fluctuate contingent upon the specific situation and specific discounts or benefits provided.⁹

(A) Difficulties Experienced by the Elderly

The elderly often encounter a spectrum of difficulties as they navigate the later stages of life. Health issues, ranging from chronic conditions to diminished mobility, become more prevalent, impacting overall well-being.¹⁰ Social isolation and loneliness can exacerbate these challenges, leading to emotional struggles and a decline in mental health. Financial strain is another

⁴ <https://www.un.org/development/desa/ageing/resources/vienna-international-plan-of-action.html> (Last visited on December 19, 2023)

⁵ <https://www.un.org/en/conferences/ageing/vienna1982> (Last visited on December 19, 2023)

⁶ <https://emergency.unhcr.org/protection/persons-risk/older-persons> (Last visited on December 19, 2023)

⁷ Maintenance and Welfare of Parents and Senior Citizens Act, 2007, s. 2(h)

⁸ Social Security Act of 1935

⁹ <https://lovethemaldives.com/wiki/is-60-years-old-considered-as-senior-citizen-in-uk> (Last visited on December 20, 2023)

¹⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5732407/> (Last visited on December 28, 2023)

common concern, with limited income, rising healthcare costs, and potential reliance on retirement savings contributing to financial stress.¹¹ Additionally, cognitive decline may affect memory and decision-making abilities, posing additional hurdles for seniors. Loss of independence, elder abuse, and challenges in accessing suitable healthcare and housing further compound the difficulties faced by the elderly.¹² As a holistic approach, addressing these issues requires comprehensive support systems, including healthcare services, social programs, and policies that prioritize the well-being and dignity of the aging population.¹³

III. A COMPARISON OF THE LEGAL PROTECTION SYSTEMS FOR THE ELDERLY INDIAN, BRITISH, AND AMERICAN POPULATIONS

(A) Constitutional Mandates

Under the Constitution of India, all the citizens, including senior citizens, are entitled to fundamental rights of equality before law and of life and liberty under the constitution.¹⁴ Under the Indian constitution,

“The State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”¹⁵

Moreover,

“The State shall promote with special care the educational and economic interests of the weaker sections of the people and shall protect them from social injustice and all forms of exploitation.”¹⁶

Under the US Constitution, the 14th Amendment restricts states' ability to exclude anyone from their purview equivalent security of the regulations. While this amendment has not specifically mention the term 'age', it has been used in legal arguments related to age discrimination.¹⁷ The due process clauses of the 5th and 14th Amendments protect individuals through arbitrary governmental action, which can be relevant in cases involving the rights of the elderly, such as issues related to guardianship.¹⁸

¹¹ Understanding the Effects of Social Isolation on Mental Health, available at: <https://publichealth.tulane.edu/blog/effects-of-social-isolation-on-mental-health/> (Last visited on December 28, 2023)

¹² <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people> (Last visited on December 28, 2023)

¹³ https://www.ageconcern.org.nz/Public/Public/Info/LifeStyle/Positive_Ageing.aspx#:~:text=It%20is%20about%20keeping%20a,make%20life%20generally%20more%20satisfying. (Last visited on December 28, 2023)

¹⁴ The Constitution of India, 1950, art. 14, 21

¹⁵ The constitution of India, 1950, art. 41

¹⁶ The Constitution of India, 1950, art. 46

¹⁷ The Constitution of US, amend. XIV, S.1

¹⁸ U.S. Const. amend. V, S.1.

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*¹⁹

Moreover, horrible and surprising discipline is disallowed under the US Constitution. While this is typically associated with criminal justice, it has been invoked in cases related to the treatment of elderly individuals in certain settings.²⁰

The Ninth Amendment states that:

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”.

This has been construed as recognizing unenumerated rights, which could include certain rights relevant to the elderly.²¹

The United Kingdom does not have a single, written constitution like many other countries, such as the United States. Instead, the UK's constitution is unwritten and is often referred to as an "uncodified constitution" or "unwritten constitution." The United Kingdom constitution is made out of the regulations and decides that make the organizations of the relationships between those institutions, or regulate the relationship between the state and the individual. These laws and rules are not codified in a single, written document.²² The present constitution encompasses landmark statutes, such as the Bill of Rights of 1689, as well as many conventions or unwritten rules of constitutional practice. For example, the residual (prerogative) powers of the monarch and the relationship between the monarch and Parliament are still governed largely by these unwritten but nevertheless binding conventions.²³ In the United Kingdom, various laws and statutes address issues relevant to the elderly, covering areas such as healthcare, social care, pensions, and discrimination.

IV. LEGAL PROTECTIONS

(A) Under personal laws

In India, the ethical obligation to maintain parents is recognized by all people. However, so far as law is concerned, the position and extent of such liability varies from community to community.

¹⁹ U.S. Const. amend. I

²⁰ U.S. Const. amend. VIII

²¹ U.S. Const. amend. IX

²² The UK Constitution: A summary, with options for reform, available at: <https://www.parliament.uk/globalassets/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>

²³ <https://guides.ll.georgetown.edu/c.php?g=365741&p=2471214> (Last visited on December 20, 2023)

Hindu law: The Hindu Adoption and Maintenance Act, 1956, is a legal framework in India that governs matters related to the adoption and maintenance of Hindus.

“A Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.”²⁴

Muslim law: Children have a duty to maintain their aged parents even under the Muslim law. According to Mulla:

(a) “Children in easy circumstances are bound to maintain their poor parents, although the latter may be able to earn something for themselves.”

(b) “A son though in strained circumstances is bound to maintain his mother, if the mother is poor, though she may not be infirm.”

(c) “A son, who though poor, is earning something, is bound to support his father who earns nothing”.

According to Tyabji,

“Parents and grandparents in indigent circumstances are entitled, under Hanafi law, to maintenance from their children and grandchildren who have the means, even if they are able to earn their livelihood. Both sons and daughters have a duty to maintain their parents under the Muslim law. The obligation, however, is dependent on their having the means to do so.”²⁵

Christian And Parsi Law: The Christians and Parsi’s have no personal laws providing for maintenance for the parents. Parents who wish to seek maintenance have to apply under provisions of the Criminal Procedure Code.²⁶

In the US, different regulations and guidelines plan to safeguard the freedoms and prosperity of older people. While there isn't a single comprehensive personal law specifically for the elderly, there are federal and state-level statutes addressing different aspects of their protection.²⁷

In UK also, there isn't a single comprehensive personal law specifically governing the elderly. Instead, there are various laws and regulations that address different aspects of the rights and well-being of elderly individuals.

(B) Legislative safeguards

The Indian legislature recognized the importance of providing social security for the elderly and

²⁴ The Hindu Adoptions and Maintenance Act, 1956, S. 20(1)

²⁵ Paras Diwan, (2008). Family Law, 8thedn, Allahabad Law Agency, P- 342

²⁶ <https://lawbhoomi.com/rights-of-senior-citizens-in-india/>. (Last visited on December 23, 2023)

²⁷ <https://eldercare.acl.gov/Public/Index.aspx> (Last visited on December 23, 2023)

included provisions for their care and protection in the Indian Juris corpus.²⁸

Code of criminal procedure, 1973

The Criminal Procedure Code is a secular law that governs all of India, regardless of religion. It is not for a particular section of the community. It applies to all citizens of the nation.²⁹ The old individuals, as an unmistakable gathering of the total populace, are qualified for a satisfied and safe environment with their requirements tended to. One very unique provision is Section 125's provisions. It makes it possible for the Magistrate to order a son or daughter to pay a monthly allowance to the father or mother who is unable to support themselves.³⁰

According to the Code of Criminal procedure, 1973,

*“ If any person having sufficient means neglects or refuses to maintain his father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate not exceeding five hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct. ”*³¹

Moreover, Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a Demonstration passed by the Indian law-making body to accommodate more successful arrangements for the support and government assistance of guardians and senior residents ensured and perceived under the Constitution and for issues associated therewith or coincidental thereto.³²

“According to this Act,

(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of-

(i) Parent or grand-parent, against one or more of his children not being a minor;

*(ii) A childless senior citizen, against such of his relative referred to in clause (g) of section 2.*³³

²⁸ Dr. Anand K Deshmukh, “The rights of old age persons in India: A challenging facet of human rights” 3 *IJL* 149 (2017)

²⁹ <https://leggerhythms.org/laws-safeguarding-the-legal-rights-of-elders-in-india/> (Visited on November 23, 2023)

³⁰ Ayushi Tripathi, “Procedure for Maintenance of Parents” *LTJ* (2019)

³¹ Code of Criminal procedure, 1973, S. 125 (1) (d)

³² https://www.indiacode.nic.in/handle/123456789/2033?sam_handle=123456789/1362#:~:text=India%20Code%3A%20Maintenance%20and%20Welfare,and%20Senior%20Citizens (Last visited on December 24, 2023)

³³ According to Section 2(g) of Maintenance and Welfare of parents and senior citizens Act, 2007, ‘Relative means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property

(2) *The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.*

(3) *The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.*

(4) *Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such citizen or he would inherit the property of such senior citizen:*

*Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.*³⁴

“Section 5 of this Act provides for the application for maintenance. It says-

(1) An application for maintenance under Section 4, may be made--

(a) by a senior citizen or a parent, as the case may be; or

(b) if he is incapable, by any other person or organisation authorised by him; or

(c) the Tribunal may take cognizance suo motu.

(2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

(3) On receipt of an application for maintenance under subsection (1), after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for determining the amount of maintenance.

(4) An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person:

Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

(5) An application for maintenance under sub-section (1) may be filled against one or more

after his death’.

³⁴ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, s.4

persons:

Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.

(6) Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.

(7) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.

(8) If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding, as the case be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application is made to the Tribunal to levy such amount within a period of three months from the date on which it became due.”³⁵

In the United States of America, several legislative safeguards are in place to protect the rights and well-being of senior citizens. These laws and programs address various aspects of seniors' lives, including healthcare, finances, housing, and overall quality of life. Here are some key legislative safeguards for senior citizens in the USA:

1. **Social Security Act (1935):** The Social Security Act was signed into law by President Roosevelt on August 14, 1935. In addition to several provisions for general welfare, the new Act created a social insurance program designed to pay retired workers age 65 or older a continuing income after retirement.³⁶ The Social Security Act established the Social Security program, which provides financial assistance to eligible individuals, including retirees and disabled individuals. Social Security benefits are a crucial source of income for many seniors.³⁷
2. **Medicare (1965):** Medicare is a federal health insurance program for people aged 65

³⁵ <https://www.indiacode.nic.in/> (Visited on November 25, 2023)

³⁶ <https://www.ssa.gov/history/briefhistory3.html#:~:text=The%20Social%20Security%20Act%20was,a%20continuing%20income%20after%20retirement.> (Last visited on December 24, 2023)

³⁷ <https://www.archives.gov/milestone-documents/social-security-act> (Last visited on December 24, 2023)

and older, as well as certain younger individuals with disabilities. It provides coverage for hospital care (Part A), medical services and supplies (Part B), and prescription drugs (Part D).³⁸

3. **Older Americans Act (1965):** The Older Americans Act aims to improve the lives of older individuals by providing funding for community-based services, such as nutrition programs, caregiver support, and transportation services. The act also established the Administration on Aging, which is now part of the Administration for Community Living.³⁹
4. **Age Discrimination in Employment Act (ADEA) (1967):** ADEA prohibits employment discrimination against individuals who are 40 years of age or older. It applies to employers with 20 or more employees and addresses issues such as hiring, promotion, benefits, and termination.⁴⁰
5. **Medicaid (1965):** While Medicaid primarily serves low-income individuals, it also provides healthcare coverage for many elderly Americans, especially those with limited financial resources. Medicaid covers long-term care services, including nursing home care.⁴¹
6. **Elder Justice Act (2010):** The Elder Justice Act addresses elder abuse, neglect, and exploitation. It supports efforts to prevent, detect, and respond to these issues by providing funding for programs and services aimed at protecting older adults.⁴²
7. **Affordable Care Act (2010):** The Affordable Care Act includes provisions that benefit seniors, such as closing the Medicare Part D "donut hole" for prescription drug coverage, offering preventive services without cost-sharing, and promoting innovative models of care delivery.⁴³
8. **Supplemental Security Income (SSI):** SSI is a federal program that provides cash assistance to low-income individuals aged 65 and older, as well as disabled individuals.

³⁸ <https://www.hhs.gov/answers/medicare-and-medicaid/what-is-the-difference-between-medicare-medicaid/index.html#:~:text=Medicare%20is%20federal%20health%20insurance,standards%20for%20costs%20and%20coverage.> (Last visited on December 24, 2023)

³⁹ <https://acl.gov/about-acl/authorizing-statutes/older-americans-act> (Last visited on December 24, 2023)

⁴⁰ <https://www.dol.gov/general/topic/discrimination/agedisc#:~:text=The%20Age%20Discrimination%20in%20E mployment,conditions%20or%20privileges%20of%20employment.> (Last visited on December 23, 2023)

⁴¹ <https://www.kff.org/mental-health/issue-brief/10-things-to-know-about-medicaid/#:~:text=Medicaid%20is%20the%20nation's%20public,people%20in%20the%20United%20States.> (Last visited on December 24, 2023)

⁴² [https://acl.gov/about-acl/elder-justice-act#:~:text=The%20Elder%20Justice%20Act%20established,Abuse%20Prevention%20Intervention%20Demonstrations%20\(PPHF\)](https://acl.gov/about-acl/elder-justice-act#:~:text=The%20Elder%20Justice%20Act%20established,Abuse%20Prevention%20Intervention%20Demonstrations%20(PPHF)) (Last visited on December 24, 2023)

⁴³ <https://www.ncbi.nlm.nih.gov/books/NBK241401/> (Last visited on December 24, 2023)

It is designed to ensure a minimum income for those with limited financial resources.⁴⁴

9. **Pension Protection Act (2006):** This act includes provisions aimed at protecting seniors' pensions and retirement savings. It addresses issues related to defined benefit plans, individual retirement accounts (IRAs), and 401(k) plans.⁴⁵

In UK, some of the key statutes that pertain to the rights and well-being of elderly individuals are as under:

1. **Equality Act 2010:** The Equality Act prohibits discrimination on the grounds of age, ensuring that elderly individuals are protected from unfair treatment in areas such as employment, education, and the provision of goods and services.⁴⁶ Senior citizens are protected from a number of different things under the Equality Act such as when a senior citizen is treated less favourably because of a protected characteristic; for example, if a local gym refuses to give a senior citizen membership because of his/her age.⁴⁷
2. **Mental Capacity Act 2005:** This Act provides a legal framework for making decisions on behalf of individuals who may lack capacity, including many elderly individuals. It sets out principles for assessing mental capacity and making decisions in the best interests of those who are unable to make decisions themselves.⁴⁸ The Act directly affects the lives of disabled people and older people. It affects the way people are supported wherever they live.⁴⁹
3. **Care Act 2014:** The Care Act outlines the legal framework for the provision of social care in England. It includes provisions for assessing and meeting the needs of elderly individuals and providing support for their carers.⁵⁰
4. **National Health Service and Community Care Act 1990:** This Act sets out the responsibilities of local authorities in providing community care services, including services for elderly individuals. It addresses issues related to the provision of health and

⁴⁴ <https://www.ssa.gov/ssi> (Last visited on December 24, 2023)

⁴⁵ [https://www.investopedia.com/articles/retirement/06/ppa2006.asp#:~:text=The%20Pension%20Protection%20Act%20of%202006%20\(PPA\)%20strengthened%20protections%20for,retirement%20account%20\(IRA\)%20assets.](https://www.investopedia.com/articles/retirement/06/ppa2006.asp#:~:text=The%20Pension%20Protection%20Act%20of%202006%20(PPA)%20strengthened%20protections%20for,retirement%20account%20(IRA)%20assets.) (Last visited on December 24, 2023)

⁴⁶ <https://www.legislation.gov.uk/ukpga/2010/15/contents> (Last visited on December 20, 2023)

⁴⁷ <https://www.ageuk.org.uk/information-advice/work-learning/discrimination-rights/the-equality-act/> (Last visited on December 21, 2023)

⁴⁸ <https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance> (Last visited on December 21, 2023)

⁴⁹ "Mental Capacity Act and Deprivation of Liberty Safeguards", available at: <https://www.cqc.org.uk/guidance-providers/all-services/mental-capacity-act-deprivation-liberty-safeguards> (Last visited on December 21, 2023)

⁵⁰ <https://www.bcpouncil.gov.uk/adult-social-care-and-health/about-adult-social-care-services/the-care-act-2014> (Last visited on December 21, 2023)

social care.⁵¹

5. **Pensions Act 2014:** The Pensions Act includes provisions related to state pension reform, private pensions, and workplace pensions. It addresses issues related to retirement and pension provision, which are crucial for the elderly population.⁵²
6. **Powers of Attorney Act 1971:** If a person is unable to make decisions for themselves in the future, they can appoint someone to do so under this law. Powers of attorney can be particularly relevant for elderly individuals who may need assistance in managing their affairs.⁵³
7. **Human Rights Act 1998:** While not specific to the elderly, The European Convention on Human Rights is incorporated into UK law by the Human Rights Act. It safeguards fundamental freedoms and rights, such as the right to privacy and family life, which may be especially important to elderly people.⁵⁴

V. RECOMMENDATIONS

1. **Creation of an Elderly Rights Charter:** Develop an Elderly Rights Charter that succinctly outlines the fundamental rights of older individuals in the UK. This charter could serve as a reference point for policymakers, legal professionals, and the elderly themselves, ensuring a clear and accessible understanding of their rights.
2. **Strengthening Anti-Discrimination Laws:** Evaluate and strengthen existing anti-discrimination laws to address age-based discrimination more effectively. Ensure that the legal framework provides robust protection against discrimination in employment, healthcare, and other relevant areas.
3. **Modernization of Social Care Legislation:** Modernize legislation pertaining to social care, taking into account the evolving needs of the aging population. Consider measures to enhance the availability, affordability, and quality of social care services, with an emphasis on promoting independence and dignity.
4. **Public Awareness Campaigns:** Launch public awareness campaigns to inform the elderly about their rights and entitlements under the reformed legal framework. Educate

⁵¹ <https://navigator.health.org.uk/theme/national-health-service-and-community-care-act-1990> (Last visited on December 22, 2023)

⁵² Pensions Act 2014, available at: <https://www.legislation.gov.uk/ukpga/2014/19/contents> (Last visited on December 22, 2023)

⁵³ Powers of Attorney Act 1971, available at: <https://www.legislation.gov.uk/ukpga/1971/27>. (Last visited on December 22, 2023)

⁵⁴ The Human rights Act, 1998, available at: <https://www.equalityhumanrights.com/human-rights/human-rights-act>. (Last visited on December 22, 2023)

the public, legal professionals, and service providers about the changes and improvements to ensure widespread understanding and compliance.

5. **Regular Review of Legislation:** Establish a systematic process for regular review and updates to legislation related to senior citizens. This ensures that laws and programs remain responsive to demographic changes, advancements in healthcare, and emerging challenges faced by the aging population.

VI. CONCLUSION

In today's fast-paced society, individuals are often judged by their ability to work efficiently, leading to the marginalization of the elderly as they become frail. Consequently, they are considered of little value and left to manage on their own. This vulnerability exposes them to mistreatment and degrading treatment, a widespread issue across various regions globally. India, USA and UK are no exceptions to the scenario. Despite India's commendable adoption and implementation of a number of policies and laws, there are still gaps in the elderly legal protection framework in comparison to the more comprehensive systems in the United States and the United Kingdom. In summary, the analysis of legal perspectives on aging in India, the UK, and the USA unveils a nuanced landscape marked by notable accomplishments and areas warranting enhancement. While all three nations have made praiseworthy strides in implementing policies to tackle challenges confronting the elderly, significant disparities persist. Although India's legal safeguards for the elderly are commendable, there are evident shortcomings when compared to the more comprehensive frameworks in the UK and the USA. As societies grapple with the shifting demographics towards an aging population, it becomes crucial for legislators and stakeholders to collaborate and refine existing legal structures. This collaborative effort is essential to universally safeguard the dignity, well-being, and rights of the elderly. A coordinated global initiative is vital to establish a more just and inclusive legal framework that accommodates the evolving needs of our aging population, fostering a society where individuals can age with dignity, respect, and legal protection.

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3. Pensions Act 2014, available at: <https://www.legislation.gov.uk/ukpga/2014/19/contents>
4. Powers of Attorney Act 1971, available at: <https://www.legislation.gov.uk/ukpga/1971/27>
5. The Human rights Act, 1998, available at: <https://www.equalityhumanrights.com/human-rights/human-rights-act>
6. Ayushi Tripathi, “Procedure for Maintenance of Parents” LTJ (2019)
7. Code of Criminal procedure, 1973, S. 125 (1) (d)
