

Protection of Senior Citizens in India: A Constitutional and Socio-Legal Study

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Abstract—Ageing of populations is one of the most important demographics trends in the contemporary age of the twenty-first century posing a number of legal, social and economic problems to countries around the globe. Aging of populations in India is another such trend that calls for developing an appropriate legal regime that protects the rights, dignity, health and welfare of the senior citizens in the country. Even though traditional Indian society gave high regard to reverence of the elderly people in the society, changing socio-economic conditions, urbanization, migration and decline in the joint family system have all led to neglect, abandonment, exploitation and abuse of senior citizens. Taking into consideration the issues related to aging population, the Constitution of India and a number of other welfare legislations and judgments have tried to enhance the legal protection for the elderly persons in the country. The introduction of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 constituted a landmark achievement towards addressing the problem of maintenance, protection, and welfare of senior citizens. The present paper is an attempt to analyze, from a socio-legal perspective, the provisions of the constitutional law, statute, and the Indian jurisprudence with regard to the rights of senior citizens in India. It will also highlight the problems faced by senior citizens and suggest reforms for securing dignity and social security for them.

Index Terms—Senior Citizens, Elder Rights, Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Elder Abuse

I. Introduction

Senior citizens have emerged as a crucial issue in today's democratic societies because of demographic shifts and an increase in the elderly populace. The development in health care services, improvement in living standards, and increase in life span have contributed to an increase in the number of senior citizens around the world. Although population aging is an indication of social and economic development, on the other hand, it presents certain legal and welfare issues in relation to health care, finances, and dignity of human beings.¹ Indian culture has always accorded due respect and honor to its aged people. The philosophy of India, religion, and the Indian culture have stressed on the responsibility of the young generation towards their aged family members. Traditionally, the joint family system was the most important support system for the senior citizens. But the process of urbanization, industrialization, migration, nuclear family system, and change in socio-economic values has badly affected these support

¹ S.C. Srivastava, *Social Security and Labour Laws* 615 (Universal Law Publishing, New Delhi, 2019).

systems.² Thus, there is an ever-increasing number of elderly individuals who are being neglected, abandoned, abused, lonely, financially insecure, and lack proper access to medical facilities.

The Constitution of India contains the provisions of social justice, equality, dignity, and welfare, which form the constitutional basis for safeguarding the rights of elderly individuals. While the Constitution does not contain the rights of the elderly persons specifically in terms of enumeration, the Fundamental Rights and Directive Principles of State Policy together have placed certain obligations on the State regarding social security, healthcare, assistance, and protection of the vulnerable sections of the society.³ Interpretation by judiciary in turn has increased the ambit of these provisions in the constitution by declaring that right to life guaranteed by Article 21 includes the right to live with dignity, health care, decent accommodation, and social security in old age.

Taking into account the increasing vulnerability of the aged, Parliament has passed the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which is a statutory provision providing for a means whereby parents and senior citizens can claim maintenance from their children and relatives.⁴ Also included in the Act is the creation of Maintenance Tribunals, life and property security, and welfare of senior citizens. This is one of the most important legislative acts to protect the rights of senior citizens in India. In addition to the domestic laws, India has been influenced by international human rights instruments that uphold the dignity and welfare of older persons. These include UN Principles for Older Persons, 1991; Madrid International Plan of Action on Ageing, 2002, and various other international human rights conventions that uphold independence, participation, care, self-fulfillment, and dignity of elderly persons.⁵ Although most of these instruments are not legally binding, they have had a considerable influence on policy making and interpretation of laws with regard to the rights of senior citizens.

Another important institution which has helped provide better legal safeguards to senior citizens is the judiciary of India. It is a well-established position of the constitutional courts that the welfare of the elderly is an integral part of the welfare state as envisaged under the constitution.

However, there are some practical problems that have been affecting the lives of senior citizens despite the provisions for their protection in the constitution and legislations. Some of these problems include elder abuse, financial fraud, abandonment, poor healthcare services, social isolation, cyber fraud, problems with pensions, and unawareness about the legal rights. This shows that legal protection will not be enough without proper implementation, awareness, institutional support, and social consciousness. Thus, protecting the rights of the senior citizens is not only a matter of legal concern but also constitutional and moral

² Paras Diwan, *Family Law* 18 (Allahabad Law Agency, Faridabad, 11th edn., 2021).

³ The Constitution of India, arts. 14, 21, 38, 41 and 46.

⁴ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), ss. 4, 5, 7 and 23.

⁵ United Nations Principles for Older Persons, 1991; Madrid International Plan of Action on Ageing, 2002.

obligation and social responsibility. It is essential to adopt a socio-legal approach to study the interplay of law, policies, family, social values, and institutions in protecting the rights of the elderly people.

This essay is an analysis of the socio-legal issues of law relating to the protection of older people in India. It highlights constitutional provisions, legislation, judicial decisions and practical difficulties that impact senior citizens and recommends reform measures needed to protect and ensure their rights.

II. Constitutional and Statutory Framework for Protection of Senior Citizens in India

Senior citizen rights in India are enshrined in the Constitution, laws, judgments, and government welfare schemes. Though the Constitution of India does not have any chapter dealing separately with the rights of senior citizens, there are certain fundamental rights and directive principles of state policy that constitute constitutional duties of the state in respect of the protection of the elderly.⁶ The constitutional structure is an indicator of India's endeavor to set up a welfare state, wherein the weak and vulnerable sections of the population get due recognition. Protection for senior citizens under the constitutional structure commences from the provision of equality under Article 14 of the Constitution.⁷ Senior citizens should enjoy equal treatment before public bodies and equal legal protection without any discrimination. This constitutional provision is the foundation for securing the rights of the elderly from any arbitrariness and equal enjoyment of their rights.

Article 21 is at the very core of protecting the rights of senior citizens. It has been held by the Supreme Court of India that the right to life includes the right to live with dignity, adequate medical care, shelter, food, and a decent life.⁸ For elderly people, the right to life not only means the bare right to live but also the right to access good healthcare services, protection from any form of abuse, social security, and an improved quality of life. The judicial interpretation of the law has led to Article 21 being viewed as one of the most effective constitutional protections for elderly citizens.

Further, the Directive Principles of State Policy also enhance constitutional protection. According to Article 38, it is the responsibility of the state to ensure the welfare of its citizens by establishing a social order based upon justice, social, economic, and political.⁹ As per Article 39(e), the state should see to it that the health and strength of citizens are not misused, whereas Article 41 mandates the state to provide means of livelihood by making effective provisions for assisting the citizens in cases of unemployment, old age, sickness, and disability.¹⁰ These provisions together highlight the constitutional obligation of the State to adopt social welfare measures for the benefit of senior citizens. In addition to that, Article 46 also makes it

⁶ S.C. Srivastava, *Social Security and Labour Laws* 624 (Universal Law Publishing, New Delhi, 2019).

⁷ The Constitution of India, art. 14.

⁸ *Id.*, art. 21.

⁹ *Id.*, art. 38.

¹⁰ *Id.*, arts. 39(e) and 41.

obligatory for the State to safeguard weaker segments of society and advance their interests.¹¹ Although designed specifically for members of Scheduled Castes and Scheduled Tribes, the overall constitutionality of the protection of vulnerable classes of people has been instrumental in framing welfare schemes for senior citizens. Collectively, the constitutional scheme forms the legal basis of the governmental policy on pensions, health care, housing, maintenance, and social welfare for seniors.

The foremost statute guaranteeing rights of senior citizens is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Act has been enacted with an intention to ensure maintenance and welfare of parents and senior citizens and lays down a simple, fast and economical method whereby senior citizens can obtain maintenance from their children or specified relatives.¹² The bill takes note of the fact that the changing pattern of families and deterioration in the traditional system of support necessitates a legal remedy to safeguard vulnerable older people from neglect and abandonment.

Clause 4 of the bill creates a duty on the part of the children or relations to support aged persons who are incapable of supporting themselves through their earning or property.¹³ The duty entails the provision of food, clothing, residence, health care, and treatment that are required to lead a normal life. The above statutory duty acts as an extension of the moral duty of children, as stated by the law.

To facilitate proper enforcement, there are Maintenance Tribunals provided for in Section 7 of the Act.¹⁴ The Tribunal may direct payment of monthly maintenance depending on the requirement of the senior citizen and the financial ability of the Respondent. The simplified proceedings adopted under the Act aim to give speedy justice without resorting to protracted civil proceedings, which might be hard for elderly people to undertake. Among the most important sections of the Act is Section 23, which prevents senior citizens from being swindled or coerced into transferring their property.¹⁵ Where a senior citizen transfers any property upon the condition that the transferor must fulfill his basic necessities and physical requirements, non-compliance with these conditions might make the transfer void, according to the choice of the transferor. The provision has been considered one of the most significant legal provisions that protect the senior citizens from being exploited financially and physically.

The legal system becomes more robust with the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, wherein the definition of maintenance has been expanded, and more persons have been included who are responsible for providing maintenance.¹⁶ Even though the Bill is not yet an act, it is an example of the ongoing legislation that aims at enhancing the protection provided to senior citizens.

¹¹ *Id.*, art. 46.

¹² The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), Preamble.

¹³ *Id.*, s. 4.

¹⁴ *Id.*, ss. 5, 7 and 9.

¹⁵ *Id.*, s. 23.

¹⁶ The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, cls. 2, 4, 15 and 20.

In addition to the 2007 Act, there are other government policies that aim at improving the welfare of the elderly. For instance, the National Policy for Older Persons, 1999 highlighted financial security, health care, shelter, welfare, and protection of the elderly.¹⁷ Later on, there was the National Policy for Senior Citizens, 2011 which intended to overcome issues that had arisen with regards to aging through income security, health care, productive aging, research, institutional care and abuse prevention. These policies serve as a framework for the administration of welfare programs for senior citizens. Health care is yet another issue in the statutory provisions for elderly people in India. There is the National Programme for Health Care of the Elderly (NPHCE) which endeavors to provide health care through geriatric facilities.¹⁸ These efforts acknowledge the fact that as people get older, they require medical attention and continuous health services. International human rights treaties have also affected Indian legislation. Five basic principles are highlighted in the United Nations Principles for Older Persons, 1991. They include independence, participation, care, self-fulfilment, and dignity.¹⁹ In like manner, the Madrid International Plan of Action on Ageing, 2002 provides States with the guidance of incorporating ageing in their development policies while protecting the rights of elderly persons through social inclusion. Though these instruments lack direct enforcement mechanisms, they have been used as guidelines in policy-making and judicial interpretation with regard to rights of senior citizens.

Though there exist various constitutional provisions and statutory guarantees, implementation continues to face numerous challenges. Some of the challenges faced in the implementation process include delay in settlement of maintenance claims, poor knowledge about the available legal remedies, poor institutional structure, lack of old age homes, health care shortcomings, and poor enforcement of maintenance orders among others. Hence, legal protection needs to go hand in hand with good administration, awareness, and policy making.

Constitutional and statutory regime for senior citizens hence illustrates India's effort towards putting in place a welfare-oriented legal system based on values of dignity, equality, empathy and social justice. Although much legislative progress has been made, further reforms and implementation are important in order to ensure that all senior citizens lead lives marked by dignity and respect.

III. Judicial Approach and Development of Senior Citizens' Rights in India

The Indian Judiciary has contributed greatly to the enhancement of legal protection afforded to senior citizens through its liberal and purposive interpretation of constitutional and statutory provisions.

¹⁷ Ministry of Social Justice and Empowerment, *National Policy on Older Persons, 1999* 5 (Government of India, New Delhi, 1999).

¹⁸ Ministry of Health and Family Welfare, *National Programme for Health Care of the Elderly (NPHCE): Operational Guidelines* 9 (Government of India, New Delhi, 2011).

¹⁹ United Nations Principles for Older Persons, 1991, Principles 1–18.

Although the Constitution does not expressly enumerate separate fundamental rights for elderly persons, constitutional courts have consistently recognized that senior citizens are entitled to live with dignity, security, healthcare, and social protection under the broader framework of Articles 14 and 21 of the Constitution.²⁰ Through judicial activism, the courts have expanded the scope of elderly rights by emphasizing that a welfare state bears a continuing obligation to protect one of the most vulnerable sections of society. The constitutional foundation of judicial protection for senior citizens primarily rests upon the interpretation of Article 21, which guarantees the right to life and personal liberty. The Supreme Court has repeatedly held that the right to life includes the right to live with dignity and not merely the right to physical existence.²¹ In case of senior citizens, the element of dignity covers issues such as having proper accommodation, health care, emotional security, financial help, and safeguard from neglect, abuse, and exploitation. The process of judicial interpretation has thus changed the meaning of Article 21 into a document that provides all-inclusive protection for senior citizens.

One such important judgment in this respect is *Ashwani Kumar v. Union of India*, in which the Supreme Court discussed the issue of implementation of welfare schemes for senior citizens. It was felt that there had been increasing instances of neglect by senior citizens and that there should be effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.²² The court has asked the government at central and state levels to upgrade facilities at old age homes, provide better medical services and effectively implement legal protections in the interest of seniors. This judgment has clearly reiterated the fact that dignity and welfare of senior citizens is an essential element of the constitution.

The judiciary has been very important in the interpretation of section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, where protection of senior citizens against fraudulent transfer of property has been provided. The High Courts of various states have consistently held that transfer of property by children or relatives without providing maintenance to seniors would be treated as null and void.²³ These steps have considerably helped in providing stronger rights to the elderly individuals and prevented any form of financial abuse by family members.

In the case of *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District*, the Supreme Court has analyzed the relationship between the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Protection of Women from Domestic Violence Act, 2005. According to the decision of the Supreme Court, both acts must be construed in such a way that both are protected at the same time.²⁴ The decision

²⁰ M.P. Jain, *Indian Constitutional Law* 1236 (Lexis Nexis, Gurugram, 9th edn., 2023).

²¹ The Constitution of India, art. 21.

²² (2019) 2 SCC 636.

²³ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 23.

²⁴ (2021) 15 SCC 730.

shows that the judiciary strives for the reconciliation of conflicting legal rights in such a way that the vulnerable persons receive appropriate legal protection.

Courts have always considered that maintenance of one's parents is not just a legal requirement but also a moral and constitutional requirement. It has been observed by courts time and again that it is the legal and constitutional duty of children to take good care and provide appropriate maintenance to their aging parents. It is also noteworthy that the statutory requirement of maintenance under the 2007 Act confirms the ethical values deeply embedded in Indian society and constitutionalism.

An other important dimension of judicial involvement relates to protection of senior citizens against any kind of unlawful dispossession from their property. Courts have noticed that many senior citizens are compelled to face coercive and fraudulent treatment at the hands of their relatives to obtain some valuable property. Therefore, judicial interpretation of the 2007 Act has made sure that Maintenance Tribunals have sufficient power to secure the possession of senior citizens.²⁵

The judiciary has recognized the significance of healthcare and social security of the elderly population. Many judicial observations have laid emphasis on the need for governments to develop adequate healthcare infrastructure, geriatric care facilities, improve access to public health services, and make welfare schemes taking into account the requirements of the aging population. Such observations find justification from the Directive Principles of State Policy under Articles 38 and 41, where there is a duty on the State to provide for social welfare and public assistance in case of old age.²⁶

In addition to the above-mentioned interpretation of the Constitution, courts have contributed to fast and efficient implementation of statutory measures that can be provided through the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Judicial intervention has led to a realization among the Maintenance Tribunals of the need to use summary proceedings without any delay, while at the same time considering the welfare of elderly litigants.

It should be noted that the judiciary has realized that abuse of elders is not confined only to the acts of violence, which also includes emotional negligence, financial exploitation, abandonment, psychological torture, and denial of basic needs to the elder people.

Though there have been many progressive developments in terms of judicial pronouncements, there still remain certain problems in the area of implementation. Delays in execution of maintenance orders, lack of knowledge on the availability of legal measures, lack of access to Maintenance Tribunals, lack of facilities for institutional care, and lack of coordination between different administrative agencies continue to affect

²⁵ *Supra* note 1 at 638.

²⁶ The Constitution of India, arts. 38 and 41.

the efficiency of the statutory provisions. It is not possible for judicial measures to address these problems without legislative and administrative measures. Hence, it can be said that the judicial treatment of the issue of protection of senior citizens has been guided by a great concern for the constitutional ideals of dignity, equality, compassion, and social justice. By way of interpreting constitutional and welfare laws purposively, the Indian judiciary has made many positive changes with regard to the legal rights of the elders in society.

IV. Socio-Legal Challenges in Protecting Senior Citizens in India

In spite of constitutional guarantees, statutory rights, welfare policies, and judicial measures, old people in India still have to confront many socio-legal issues that harm their dignity and safety. Rapid changes in Indian society through urbanization, industrialization, migration, and changing family structures have undermined traditional care structures available to elderly people. As a result, many senior citizens encounter neglect, financial insecurity, abuse, isolation, poor healthcare, and lack of legal protection.²⁷ Consequently, a socio-legal perspective on this issue becomes extremely necessary to examine the actual hurdles standing in the way of elderly rights realization in the country.

The disintegration of the traditional joint family system has become one of the gravest hurdles for senior citizens. The elderly population used to receive emotional and financial assistance from other family members in the past. However, due to urbanization, this has changed dramatically.²⁸ The elderly people nowadays find themselves being forced to live on their own due to lack of proper care, which leaves them open to neglect and loneliness.

The other issue that is becoming very common nowadays is elder abuse. Elder abuse is any act of violence, threats of violence, intimidation or exploitation.²⁹ Many cases go unreported since most aged people are unwilling to file legal cases against their own children on account of emotional attachment, social embarrassment, or economic dependency. This makes it extremely difficult to achieve the constitutional aim of providing dignity and security to aged people.

Economic insecurity is yet another problem that elderly people face. Most of the elderly people in India are part of the unorganized sector and do not receive any pension benefits.³⁰ The increased costs in healthcare, inflation, and improved life expectancy make things more difficult for them financially. Dependence on their children or relatives may subject them to neglect and exploitation. Access to healthcare is still limited especially in areas that are economically weak and in rural settings. There have been different initiatives by the Government with respect to healthcare programs for the older people but specialized geriatric services

²⁷ *Supra* note 1 at 646.

²⁸ *Supra* note 2 at 310.

²⁹ HelpAge India, *Elder Abuse in India Report 2022* 15 (HelpAge India, New Delhi, 2022).

³⁰ Ministry of Statistics and Programme Implementation, *Elderly in India 2021* 32 (Government of India, New Delhi, 2021).

are limited in many areas.³¹ The shortage of qualified geriatric professionals, poor health infrastructure, expensive treatments, and low insurance coverage play an important role in influencing the physical and psychological health of the elderly.

There is another matter of grave concern in terms of the increasing number of property disputes arising among the senior citizens. Most of the elderly people make overtures of transferring properties to their children or any other relatives with the hope that in return they will get proper care and maintenance.³² Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 does provide safeguards from exploitation; however, lack of legal consciousness on the part of elderly people, coupled with procedural delays in legal proceedings, is an impediment to them taking recourse to law in such instances.

With the growing use of digital technology, vulnerability of senior citizens has taken another form. Internet banking, e-payment transactions, and other e-services may have increased their convenience to access different services; however, many elderly people are not digitally literate, which makes them susceptible to cyber fraud and scams.³³ The lack of digital awareness programs makes the problems even more pronounced.

Deficiencies in administration and institutions influence the enforcement of welfare laws too. Maintenance Tribunals created under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, are not equally available in all areas of India. In many states, deficiencies in infrastructure, personnel, delays, and lack of supervision hinder the enforcement of such provisions.³⁴ In the same way, the facilities such as homes for old age, rehabilitation centers, counseling facilities, and community welfare facilities are lacking when it comes to serving the elderly population.

Isolation and psychological disorders have been on the rise among senior citizens. The causes of isolation include retirement from work, losing their spouse, leaving of children from home, poor physical health, and lack of social contacts.³⁵ The problem of mental well-being of the aged population is usually overlooked despite its importance in contributing to an individual's quality of life and respect for his/her humanity.

Another issue is the lack of adequate public understanding of the legal rights that elderly people are entitled to. The elderly population does not know what legal rights it is entitled to under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.³⁶ The ignorance of law often prevents them from exercising their rights before competent authorities.

³¹ *Supra* note 13 at 28.

³² The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007), s. 23.

³³ Reserve Bank of India, *Report on Trends and Progress of Banking in India 2022–23* 118 (RBI, Mumbai, 2023).

³⁴ *Supra* note 9 at 27.

³⁵ World Health Organization, *World Report on Ageing and Health* 91 (WHO, Geneva, 2015).

³⁶ HelpAge India, *Senior Citizens and Access to Justice* 20 (HelpAge India, New Delhi, 2021).

Elderly women face gender-specific vulnerabilities, which make their situation even more difficult. Widows, single elderly women, and women who do not have any means to support themselves financially often find themselves in a disadvantaged position compared to men.³⁷ The above challenges demand a gendered approach towards policies and laws that would address both age and gender together.

The COVID-19 pandemic laid bare the vulnerable state of senior citizens. The elderly were at a high risk of infections, loneliness, lack of access to medical treatment, economic insecurity, and psychological trauma during the pandemic period. The situation clearly highlighted the need for building strong institutions that can safeguard the elderly in times of such emergencies.³⁸

Nevertheless, progress has been made on account of constitutional reforms, welfare legislations, judiciary and government interventions. Increased public awareness, healthcare policies, legal aid services, and civil society organization activism have played an important role in fostering the rights of the elderly population. However, legislative changes, strong implementation, increased social security and heightened public sensitivities are all necessary in order to ensure effective protection of elderly people.

The socio-legal issues faced by senior citizens reflect the fact that legal protection is not enough to ensure dignity and security in old age. The implementation of constitutional principles necessitates the cooperation of all concerned actors including government, family, community, healthcare institutions, civil society organizations, and citizens. In this way, India will be able to live up to its constitutional obligation of ensuring that all senior citizens live with dignity, respect, independence, and security.

V. Conclusion and Suggestions

Conclusion

Protection of senior citizens has become a vital issue in the context of India today because of the fast changing demographic structure and increased longevity along with change in the nature of families. Even though Indian society has always given great importance to venerating and taking care of the elderly, the present social and economic conditions have brought about changes which have greatly eroded the traditional mechanisms responsible for safeguarding the safety and security of the aged population.¹

The research indicates that the Constitution of India makes for an excellent normative basis for securing the rights and respect of senior citizens under articles 14, 21, 38, 39(e), 41, and 46. Despite the absence of any provision in the constitution which explicitly mentions the rights of elderly citizens, it is evident from these articles that there exists a set of guiding principles of equality, social justice, public assistance, and human

³⁷ National Commission for Women, *Status of Elderly Women in India* 41 (Government of India, New Delhi, 2020).

³⁸ United Nations, *Policy Brief: The Impact of COVID-19 on Older Persons* 3 (United Nations, New York, 2020).

dignity which govern the legislation and judicial protection of senior citizens. The enactment of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provided legal rights with respect to maintenance, welfare, property protection, and dispute resolution through Maintenance Tribunals.²

The contribution of judicial interpretation towards increasing the ambit of elderly rights has been substantial in highlighting the fact that the right to life, as mentioned in Article 21, is the right to lead a dignified life, which includes the right to health care, proper shelter, security and protection from any kind of abuse. The case of *Ashwani Kumar v. Union of India* and *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District* are examples in this regard.³ The Indian Constitution as well as the welfare legislations have been further strengthened through purposive interpretations done by the judiciary.

Further, this research work shows that there are many hurdles in the practical enforcement of the rights of senior citizens despite the presence of progressive provisions in the constitution, welfare legislations, and judicial activism. The weakening of the joint family system, elder abuse, financial insecurity, poor health care infrastructure, property disputes, cyber crimes, lack of administration, and lack of awareness regarding the law are still challenging the dignity and security of the elders. This clearly proves that the provision of legal protection itself cannot guarantee welfare if its practical enforcement is not ensured.

Another aspect from the perspective of socio-legal jurisprudence is that the protection of the elderly people goes beyond mere legal provisions. Not only the family but all sectors including civil societies, the health sector, governmental bodies need to play their role for ensuring that the old people get a chance to lead their lives independently and with dignity.

In summary, the constitution and the law have created a fairly complete system in India for the protection of senior citizens; there is still a lot to be done to implement the law effectively. Regular legal amendments, better health care facilities, strict enforcement of the maintenance laws, higher legal awareness, and increased social consciousness are imperative for ensuring that the constitutional provisions result in actual protection of seniors. The respect and welfare of senior citizens is not only an obligation of the Constitution but also a moral obligation of any civilized society.

Suggestions

- Improve the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 through better implementation and speedier case disposal, and imposition of stringent punishment for neglecting, abandoning, and non-compliance with maintenance orders.

- Specialized Senior Citizen Protection Cells be set up in every district for providing legal support, counseling, emergency help, and coordination among police departments, hospitals, and welfare agencies.
- Increase healthcare facilities for senior citizens by creating more geriatric hospitals, specialists, medicines, home-based healthcare, and mental counseling services.
- Strengthen social security measures by improving pension schemes, financial assistance programmes, insurance coverage, and economic support for elderly persons belonging to economically weaker sections.
- Increase legal awareness through nationwide campaigns informing senior citizens about their constitutional rights, statutory remedies, Maintenance Tribunals, legal aid services, and government welfare schemes.
- Encourage digital literacy among senior citizens through training programmes on digital banking, online government transactions, cybersecurity, and online fraud.
- Create community support systems such as daycare centers, recreation centers, counseling services, volunteer systems, and community participation programs that will decrease loneliness and social isolation among the elderly.
- Safeguard the rights to property by making sure that the provisions in Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are properly implemented.
- Encourage family responsibility and intergenerational awareness through educational programmes promoting respect for elderly persons, family values, and ethical responsibilities towards ageing parents.
- Conduct a National Policy on Active Ageing that includes health, work, economic, digital, legal, social engagement, and dignity for older people, and ensure coherence between domestic law and international conventions regarding the rights of elderly people.