

“Elderly Rights in India: A Critical Review of Laws, Policies, and Practices”

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ABSTRACT

India’s elderly population, projected to surge to 230 million (15% of total) by 2036, faces acute vulnerabilities amid nuclear families, migration, and rising elder abuse. This critical review dissects the normative architecture of laws, policies, and practices governing elderly rights, exposing a persistent implementation deficit that undermines constitutional promises of dignity and security.

The foundational framework rests on Article 21 (Right to Life with Dignity) and Article 41 (Public Assistance in Old Age) of the Constitution. The *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* (MWPC Act) imposes a statutory duty on children and relatives to provide maintenance (Sections 4–5), establishes Maintenance Tribunals and Appellate Tribunals for summary proceedings, and, crucially, under Section 23, deems property transfers (gifts, sales, etc.) voidable if the transferee fails to furnish basic amenities, medical care, or shelter, treating such failure as fraud or undue influence. Complementary measures include the National Policy on Older Persons (1999), the National Policy for Senior Citizens (2011), the National Programme for Health Care of the Elderly (NPHCE), Indira Gandhi National Old Age Pension Scheme, and the Senior Citizens Welfare Fund. The 2019 Amendment Bill, which sought to broaden definitions of “Children” and “Parents”, remove maintenance ceilings, mandate police nodal officers, and establish care homes, lapsed without enactment, reflecting legislative inertia.

Critically, the MWPC Act’s welfare intent is diluted by structural infirmities: chronic delays in tribunals, abysmal rural awareness, inadequate old-age homes (far below one-per-district mandate), weak inter-ministerial coordination, and judicial overload. Elder neglect—financial, emotional, and physical—thrives in urbanising India, while property disputes reveal entrenched filial entitlement and patriarchal property norms. Schemes remain fragmented, underfunded, and urban-biased, failing to address geriatric healthcare, digital exclusion, or long-term care.

Judicial activism has partially bridged these gaps through purposive, liberal construction. In *Urmila Dixit v. Sunil Sharan Dixit* (2025 INSC 20), the Supreme Court (Karol & Ravikumar, JJ.) annulled a 2019 gift deed despite an implicit (not express) maintenance condition evidenced by a contemporaneous promissory note, affirming tribunals’ power to declare transfers void, order eviction, and restore possession. The Court mandated a beneficial, non-technical interpretation to advance the Act’s object. Reinforcing this, *Kamalakant Mishra v. Additional Collector* (2025 SCC OnLine SC 2077, Nath & Mehta, JJ.) upheld eviction of a financially independent son from two Mumbai properties after he denied his 80- and 78-year-old parents re-entry. The Court corrected the Bombay High Court’s erroneous senior-citizen presumption and reiterated that tribunals possess inherent authority to evict for breach of statutory obligations, construing the Act liberally as welfare legislation.

These decisions uphold the broad remedial competence of tribunals, but they also draw attention to inconsistencies: certain High Court opinions warn against compulsory eviction in cases where maintenance is

provided without harassment (Samtola Devi, 2025). This discrepancy emphasizes the necessity of Supreme Court rules, mandated deadlines, tribunal capacity-building, and digital file integration.

In conclusion, structural flaws such as enforcement deficiencies, policy obsolescence, and the sociocultural deterioration of filial obligation continue to put older people in precarious situations, even if the MWPC Act and court interventions represent positive progress. In order to convert legal rights into lived dignity, immediate reforms are required, including the adoption of a new comprehensive policy, national awareness campaigns, specialized geriatric infrastructure, and strict monitoring. Only then will India be able to fulfil its moral and constitutional obligations to its elderly population.

Keywords: Elderly Rights in India, Maintenance and Welfare of Parents and Senior Citizens Act 2007, Section 23 Property Revocation, Maintenance Tribunals, Judicial Activism, National Policy on Senior Citizens.

INTRODUCTION

India is on the verge of a significant change in its social structure in a time of fast demographic change. Given that by 2050, there will be 340 million senior people, or about 20% of the population, it is more important than ever to protect their rights. This critical analysis explores how laws, regulations, and practices pertaining to older rights in India interact, highlighting structural flaws and promoting a comprehensive, rights-based strategy. It challenges the paternalistic overtones of current frameworks, which frequently reduce elders to dependents rather than autonomous agents and perpetuate vulnerabilities amid urbanization, nuclear families, and economic inequities. Its foundation is extensive socio-legal study^[1].

a. The Demographic Imperative and Societal Shifts

A growing elderly population of India highlights a paradox: whereas life expectancy has increased to 70 years, societal systems are not keeping up with this length. Once strongholds of elder care, traditional joint family structures are crumbling, resulting in financial instability, violence, and social exclusion. Elder abuse, which affects 50% of seniors in metropolitan areas, takes the form of violence, exploitation, or neglect and is made worse by gender inequality, with women making up 51% of the old yet experiencing disproportionate poverty. The state is being challenged to move beyond symbolic equality and toward substantive equity as a result of this demographic bulge, which calls for empowered rights rather than just assistance^[2].

b. Constitutional Foundations and Key Enactments

The foundation is laid by the Directive Principles of the Indian Constitution: While Article 46 encourages the wellbeing of marginalized groups, Article 41 requires the state to provide help for the elderly who are ill or disabled^[3]. Section 23 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC Act) is a key piece of law that requires children to pay maintenance up to ₹10,000 per month, creates tribunals for prompt resolution, and nullifies property transactions if maintenance is refused^[4]. The National Policy on Older Persons, 1999 (NPOP), which has evolved into programs like the Integrated Programme for Senior Citizens under Atal Vayo Abhyuday Yojana (AVYAY), places a strong emphasis on healthcare, security, and dignity^[5]. The Rights of Persons with Disabilities Act of 2016 and Section 20 of the Hindu Adoption and Maintenance Act of 1956 are examples of supplemental legislation that provide additional safeguards against maltreatment^[6].

c. Judicial Interventions: Landmark Case Laws

Judicial activism has fortified these enactments. The Supreme Court applied a purposive interpretation of Section 23 in *Urmila Dixit v. Sunil Sharan Dixit & Ors.* (2025) 2 SCC 787, nullifying gift deeds with implicit maintenance restrictions and prioritizing elder dignity above formalities. In a similar vein, the Bombay High Court upheld implicit responsibilities in property transactions in *Raviprakash R. Sodhani & Anr. v. Ram Swaroop Sodhani & Ors.* Writ Petition No, 11375 of 2025, classifying neglect as fraud^[7]. In *Sudesh Chhikara v. Ramti Devi* (2022) SCC Online SC 1684, the Supreme Court has strengthened the eviction powers for non-maintenance^[8]. The Supreme Court required regular monitoring of the MWPC Act's implementation in *Dr. Ashwani Kumar v. Union of India* (2018) Writ Petition (Civil) No. 193/2016, emphasizing the rights to shelter

and health^[2]. In the case of *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District*, (2021) 15 SCC 730, emphasized the need to prevent desertion^[9].

d. Critical Gaps and Challenges in Practices

Despite these advancements, just 15% of elders receive programs, tribunals are overworked, awareness is poor, and enforcement is inconsistent^[1]. While practices reinforce stigma and disregard mental health and elder abuse under the Protection of Women from Domestic Violence Act of 2005, policies ignore intersectional concerns such as rural-urban differences and digital inequality^[10]. These gaps are criticized in this review, which also suggests changes for inclusive, enforceable rights.

I. Constitutional Framework and Key Legislation

In an aging society, the foundation of safeguards for older individuals is formed by the constitutional framework and important laws pertaining to their rights. These laws prioritize security, welfare, and dignity. These measures address the risks brought on by urbanization, demographic trends, and deteriorating family structures, since the proportion of old people in India is expected to reach 21% by 2050. Persistent shortcomings in execution, enforcement, and flexibility to contemporary issues including elder abuse, financial exploitation, and insufficient access to healthcare, however, are shown by a critical study. This section critiques the effectiveness of key legislation, legal rulings, programs, and constitutional foundations in advancing substantive equality for the elderly^[11].

a. Constitutional Provisions Safeguarding Elderly Rights

Despite without explicitly naming "elderly rights" as a distinct category, the Indian Constitution includes protections through the Fundamental Rights (Part III) and Directive Principles of State Policy (DPSP, Part IV) provisions. Because they see old age as a vulnerable state like other weaker groups, these regulations need government support for welfare. Importantly, the non-justifiability of DPSPs limits their enforcement and often renders them aspirational rather than effective, leading to varying policy outcomes among states^[12].

➤ Article 41: Right to Public Assistance in Old Age

According to Article 41, the State must, within reasonable financial bounds, offer public assistance in circumstances of unemployment, old age, illness, and disability. Schemes like the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), which provides ₹350 per month to persons between 60 years and 79 years of age and to ₹650 per month to persons of 80 years of age and above from BPL households under the National Social Assistance Programme (NSAP), have been influenced by this^[13]. However, some contend that the provision's economic proviso permits governments to underfund programs, worsening the differences in elder care between rural and urban areas. For example, insufficient inflation indexing reduces the actual value of pensions, making it impossible to provide a respectable quality of life^[14].

➤ Article 46: Promotion of Educational and Economic Interests of Weaker Sections

The State is required by Article 46 to shield vulnerable groups, such as the elderly, from exploitation and social injustice^[14]. It supports affirmative action programs that target low-income seniors, including as Ayushman Bharat's subsidized healthcare^[15]. When viewed critically, its general language weakens the emphasis on the old and frequently gives Scheduled Castes and Tribes preference, underserving seniors from non-marginalized backgrounds^[16].

➤ Article 21: Right to Life and Personal Liberty

According to the judiciary's broad interpretation, Article 21 guarantees the aged the freedom from abuse, healthcare, and housing, among other aspects of living with dignity^[14]. This has been crucial in circumstances where "life" has been expanded to encompass mental health and financial stability^[15]. However, enforcement is still lacking, and because of shame and familial dependency, elder abuse goes unreported^[12].

➤ **Article 14: Equality Before the Law**

Article 14 prohibits discrimination, including on the basis of age, and is consistent with international standards such as Article 21(1) of the Universal Declaration of Human Rights (UDHR). While judicial extensions recognize age as a protected "other status," age-based regulations (like obligatory retirement) frequently avoid examination if they are judged "reasonable," emphasizing a charity model over a rights-based approach^[12].

- Additional clauses, notably Entry 24 in Schedule VII's List III (Concurrent List), provide for shared legislative authority over social security, pensions, and welfare of ageing people towards their Old age pension^[17].

b. Judicial Interpretations and Landmark Case Laws

By upholding the rights of the aged under Articles 21 and 41 and rendering progressive decisions, the court has filled up constitutional loopholes. However, systemic improvement is frequently delayed by case-by-case adjudication^[12].

➤ **Dr. Ashwani Kumar v. Union of India (2020) 13 SCC 534**

The Supreme Court upheld the rights of the elderly under Article 32, ordering the government to promptly execute social programs and acknowledging that delays were a breach of their dignity. The state's abdication in social security was crucially highlighted by this PIL, but execution is still uneven.

➤ **Urmila Dixit v. Sunil Sharan Dixit 2025 INSC 20**

Prioritizing senior welfare over technicalities, the Court upheld Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC Act) and permitted property seizure from negligent offspring.

➤ **Promil Tomar And Others v. State of Haryana And Others (2021)**

In accordance with MWPC Act Section 23(1), the Punjab and Haryana High Court revoked illegal property transfers, highlighting the need for misuse prevention.

➤ **Sunny Paul & Anr. v. State NCT of Delhi & Ors., 2017 SCC OnLine Del 7451**

In keeping with the MWPC Act's goal of preventing neglect, the Delhi High Court upheld the eviction of abusive adult children.

➤ **Shabeen Martin And Another v. Muriel And Another I.L.R. 2016 (4) Kerala 601**

The Kerala High Court strengthened financial security by ruling that property transfers are reversible if fundamental necessities are not satisfied.

These cases highlight judicial activism but critique the overburdened tribunals, with resolution times often exceeding the 90-day MWPC mandate.

c. Key Legislations Protecting Elderly Rights

India's legal system blends personal and secular rules, yet ineffective sanctions and overlaps make it difficult to enforce them^[15].

➤ **Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC Act)**

This foundational statute defines seniors as those who are 60 years of age or older and requires children and family members to provide for their basic needs, including food, clothes, housing, and medical care^[18]. Old age homes (Section 19), eviction powers (Section 23), and maintenance tribunals (Section 7) are

important provisions^[19]. The 2019 Amendment Bill (pending) broadens definitions and eliminates the ₹10,000 maintenance threshold^[11]. Crucially, although being empowering, it lacks strong anti-abuse measures and embraces a family burden paradigm, neglecting state responsibilities for elderly people without children or who are impoverished^[20].

➤ **Hindu Adoption and Maintenance Act, 1956 (Section 20)**

Hindu children, including girls, are required by Section 20 of the Hindu Adoption and Maintenance Act, 1956, to support their parents, even if they are illegitimate^[21]. According to the ruling in *Vijaya Manohara Arvart v. Kashiram Rajaram Sawai And Anr.*, 1987 AIR 1100, daughters were also held liable^[22]. The limitations under this Act are Religion-specific, promoting inequality, excluding Christians and Muslims^[23].

➤ **Code of Criminal Procedure, 1973 (Section 125)**

Children may file support claims under Section 125 of the CrPC, which can be prosecuted^[22]. Similar protections are retained in Section 144 of The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023^[15]. However, it is important to note that procedural delays and low knowledge impair its usefulness^[24].

➤ **Rights of Persons with Disabilities Act, 2016**

This statute ensures help and access for those with age-related difficulties. But it ignores the concerns of older people without disabilities by confusing disability with aging^[4].

d. National Policies and Schemes: Aspirations vs. Realities

➤ **National Policy for Older Persons, 1999 (NPOP)**

With an emphasis on providing healthcare, pensions, digital inclusion, and dignity to elders, bridging the gap between the reality of neglect, poverty, and loneliness with the hopes of active, secure lives. The policy aims to ensure that India's elderly population flourishes as respected members of a caring, just society by committing to universal access, family support, and community care^[24].

➤ **National Policy on Senior Citizens, 2011**

This program places a strong emphasis on preventing abuse, healthcare insurance, and ties between generations. Old age homes are supported by programs like the Senior Citizens Welfare Fund and the Integrated Programme for Older Persons (IPOP). The main disparities are that underfunding and urban bias cause rural seniors to be excluded^[25].

➤ **Other Schemes**

Senior Citizens Savings Scheme (SCSS) gives financial advantages; the National Programme for Health Care of the Elderly (NPHCE) delivers geriatric care. Sections 88B and 88D, which provide additional exemptions for seniors, provide income tax refunds that support economic independence^[21].

II. Policy Initiative and Schemes

With an aging population expected to reach 17.3 crore senior persons by 2026 and 30 crore by 2050, India's demographic transformation has made a strong framework of laws, regulations, and programs necessary to protect the rights of the old. Addressing vulnerabilities including financial dependence, access to healthcare, social isolation, and abuse is the goal of these programs, especially for women, those living in rural areas, and people over 80. However, their efficacy is frequently undermined by implementation gaps, including as inconsistent state-level execution and low knowledge, which results in enduring problems like poverty among the 5.1 crore old and an increase in crimes against them. This section critically evaluates important laws, programs, and policies, emphasizing their advantages, disadvantages, and judicial upholding through seminal case law^[26].

a. National Policies for Elderly Welfare

- The National Policy on Older Persons (NPOP), 1999, established the fundamental policy framework by emphasizing affirmative action by governments to offer facilities, incentives, and assistance to enhance the quality of life for senior persons. It encouraged healthcare, financial stability, and intergenerational connection but lacked enforcement procedures, which led to uneven state implementation. Due to bureaucratic procrastination, a revised draft of the National Policy for Senior Citizens, 2011, which attempted to address new issues including urbanization and nuclear families, was mainly never adopted [27].
- The National Action Plan for Welfare of Senior Citizens (NAPSrC) was unveiled in 2020 as an all-encompassing framework that went into force on April 1, 2020, incorporating stakeholders such as families, NGOs, and the media. It promotes dignified and productive aging in light of the anticipated increase in centenarians and older women. Importantly, although NAPSrC encourages multi-sectoral cooperation, its dependence on state partnerships has resulted in inequalities, with 70% of seniors living in rural regions, which experience poor medical care and isolation brought on by migration. Current revisions, such as the Kerala Elderly Budget (FY 2026–27), represent creative state-level solutions by designating specific monies for the silver economy and aging, which might become a national standard [26].
- Geriatric services are strengthened under the National Programme for Health Care of the Elderly (NPHCE), 2011, which includes wards, OPDs, and preventative care. Health disparities are made worse by its growing integration with digital technologies like e-Sanjeevani, yet accessibility is restricted by public hospitals' lack of resources [28].

b. Key Government Schemes and Programs

- The Sub-Schemes integrated under NAPSrC offer focused assistance. In order to encourage active aging, the Integrated Programme for Senior Citizens (IPSrC) builds residences for elderly people who are impoverished and provide them with food, shelter, healthcare, and recreational possibilities. The Atal Vayo Abhyuday Yojana (AVYAY), an upgraded umbrella program, adding 32 new dwellings by 2026. The 2024 Minimum Standards for Senior Citizen Homes, which require improved financing patterns for programs like the national hotline Elderline, show that quality issues still exist [26].
- States are encouraged under the State Action Plan for Senior Citizens (SAPSrC) to customize interventions; nevertheless, disparities in financial resources result in unequal results. LIC offers guaranteed pensions for those aged 60 and above via the Pradhan Mantri Vaya Vandana Yojana (PMVVY), while the Senior Citizen Savings Scheme (SCSS) offers quarterly interest and tax benefits under Section 80C. Although these provide income stability, they fall short in terms of non-BPL seniors [26].
- Social pensions, such as the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), provide greater payments to people over 80 and target economically disadvantaged groups. Ayushman Bharat's Pradhan Mantri Jan Arogya Yojana (PM-JAY), which provides up to ₹5 lakh in yearly coverage for cashless hospitalization, supports healthcare. The Rashtriya Vayoshri Yojana (RVY) provides low-income seniors with free equipment as assistive assistance. Improvements to the budget for 2026, such as higher tax deductions, higher pensions, and subsidies for health insurance and utilities, are intended to lower living costs and tax obligations. Crucially, even though 8.6% of people are covered by these programs, many are left out, especially in rural regions, due to bureaucratic obstacles and digital barriers [29].
- Additional advantages include higher fixed deposit interest rates, priority banking, railway concessions, and legal safeguards under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Scalability is still an issue, despite the Senior Care Ageing Growth Engine (SAGE) initiative's promotion of innovation in elder care [1].

c. Legal Enactments Protecting Elderly Rights

- The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act), which requires offspring and grandchildren to contribute maintenance in order to ensure elderly live decent lives, is the cornerstone legislation. It defines seniors as individuals who are 60 years of age or older, including biological, adoptive, and stepparents. Abandonment carries fines of up to ₹5,000 or three months in jail^[30]. Property transfers performed under implicit duties of care that are violated may be voidable under Section 23. The effectiveness of the Act's Maintenance Tribunals for prompt remedy is hampered by delays and ignorance^[2].
- The Senior Citizens Bill, 2025, and other recent ideas seek to improve protections against a number of problems, such as increased social assistance and eviction authority. Crucially, the Act fails to fully address mental health and ignores non-family caregivers, even as it transitions from traditional filial piety to legal responsibility^[31].

d. Judicial Interpretations and Landmark Case Laws

- In order to preserve the dignity of the aged, the judiciary has been essential in interpreting the MWPSA Act. In the 2018 ruling in *Dr. Ashwani Kumar v. Union of India & Ors.* (W.P. (Civil) No. 193/2016), the Supreme Court emphasized the rights to health, housing, and dignity guaranteed by Articles 21 and 41 of the Constitution and called for regular monitoring to ensure the Act was implemented effectively. This ruling emphasized executional flaws and called for stakeholder participation^[2].
- The Supreme Court interpreted Section 23(1) in *Sudesh Chhikara v. Ramti Devi* (2022 SCC Online SC 1684), ruling that property transfers include maintenance responsibilities, voidable upon neglect, even in the absence of express stipulations^[8]. The Act's broad meaning was also upheld in *Urmila Dixit v. Sunil Sharan Dixit & Ors.* (2025 2 SCC 787), which gave Tribunals the authority to nullify gift deeds connected to implicit maintenance pledges made through promissory notes^[7].
- The Bombay High Court highlighted implicit love and affection in transfers in *Raviprakash R. Sodhani & Anr. v. Ram Swaroop Sodhani & Ors.* (Writ Petition No. 11375 of 2025), allowing elders to recover property after neglect^[7]. Prioritizing the welfare of the elderly, the Supreme Court confirmed tribunals' authority to evict children who fail to pay maintenance in a 2025 eviction case^[32].
- The Act's function in preventing neglect is further demonstrated by other instances such as *Pranav Singh v. Mahendra Prasad Singh* (2012) SCC OnLine Cal 4132, and the Delhi High Court upheld seniors' right to counsel in *Pawan Reley & Anr. v. Union of India & Ors* (2022) SCC OnLine Del 7451. The Act is strengthened by these decisions, but they also highlight an excessive dependence on litigation and the underfunding of tribunals, which delays justice for elderly people who are most in need^[9].

In summary, changes are required for comprehensive aged rights protection, even if India's legislative initiatives and schemes reflect positive advances. These limitations include urban-rural inequalities and enforcement gaps.

III. Judicial Interpretations

In India, judicial interpretations of elderly rights constitute a dynamic interaction between changing socio-demographic realities, legislative welfare structures, and constitutional obligations. In interpreting advantageous law, courts—especially the Supreme Court—have taken a purposive, liberal, and elder-centric stance, basing it on the basic right to life with dignity under Article 21 and using Directive Principles under Articles 41 and 46. In light of India's increasing aging population, this activism confronts the collapse of traditional joint-family arrangements, elder maltreatment, and insufficient policy/scheme implementation. The necessity for ongoing court review through procedures like continued mandamus is highlighted by the fact that there are still significant gaps in enforcement, procedural delays, limited knowledge, and conflicts with parallel legislation.

a. Constitutional Bedrock: Expansive Interpretation of Article 21 and Directive Principles for Elderly Dignity

The judiciary has interpreted Article 21 (right to life and personal liberty) broadly to include the right to a dignified existence, which includes providing older residents with social security, enough food, shelter, and healthcare. This is based on precedents such as *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* ((1981) 1 SCC 608), which connected dignity to the fundamental essentials of life and extends to needs unique to the aged, such protection from abandonment and geriatric treatment^[33].

As interpretative tools, Articles 41 (public help in circumstances of old age, illness, and unjustified want) and 46 (promotion of weaker sections' economic and educational interests) impose a positive state responsibility for welfare measures within economic capability. The Supreme Court clearly held in *Dr. Ashwani Kumar v. Union of India* ((2019) 2 SCC 636) that these provisions, read with Article 21, mandate the effective implementation of laws and schemes that are focused on the elderly, rejecting narrow literalism in favour of organic constitutional evolution. The Court noted that the lack of a clear constitutional reference to aged health or housing does not lessen the obligation; rather, dignity necessitates access to healthcare, housing, and financial resources

With a focus on social justice rather than formal compliance, this foundation has allowed courts to criticize state inaction on policies such as the National Policy on Older Persons (NPOP), 1999 (revised as National Policy for Senior Citizens, 2011) and programs under the National Social Assistance Programme (NSAP).

b. Landmark Enforcement through Public Interest Litigation: Dr. Ashwani Kumar and Continuing Mandamus on Policies and Schemes

The Supreme Court imposed an ongoing mandamus for monitoring senior rights in the landmark *Dr. Ashwani Kumar v. Union of India* (2018/2019), a PIL supported by HelpAge India, acknowledging that isolated directives fall short of legislative and constitutional duties. Key directives included:

- The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC Act) must be fully implemented. This includes Section 20 (geriatric wards, separate queues, and dedicated beds in government hospitals), Section 19 (at least one old-age home per district for 150 indigent seniors with medical and recreational facilities), and Section 21 (publicity and coordination).
- Renewal of the Integrated Programme for Older People (IPOP), which provides food, lodging, medical care, and capacity building to NGOs and Panchayati Raj organizations.
- The NSAP will re-evaluate the Indira Gandhi National Old Age Pension Scheme (IGNOAPS); pensions, which have been set at ₹200–500 per month since 2007, will be inflation-linked and raised to at least half the minimum wage; social audits and state contributions are necessary for uniformity.
- Implementation of the National Programme for Healthcare of the Elderly (NPHCE, 2010–11) across all districts.

The Court established continuous judicial superintendence by ordering status updates with action plans and emphasizing that "a set of directions..." will not achieve the constitutional role. This is echoed in later High Court PILs on IGNOAPS/IPOP enforcement, which call for quick pension disbursement and scheme convergence. Crucially, the ruling exposes the discrepancy between policy language and practice by highlighting implementation deficiencies, such as outdated housing, insufficient geriatric infrastructure, and poor awareness.

c. Purposive Construction of the MWPC Act, 2007: Maintenance, Revocation under Section 23, and Eviction Powers

In order to combat elder neglect and property exploitation, the MWPC Act—a positive, welfare-oriented law under Entry 23 of the Concurrent List, has been interpreted liberally. Food, clothes, housing, and medical

treatment are all required maintenance under Section 4, which can be enforced by summary tribunals. Property transfers that are conditioned on upkeep and thereafter disregarded are deemed void under Section 23(1), which treats them as the result of fraud, coercion, or undue influence.

i. Landmark rulings affirm implicit conditions suffice:

- *Urmila Dixit v. Sunil Sharan Dixit (2025 INSC 20)*: A contemporaneous promissory note (Vachan Patra) and a gift deed suggested a maintenance commitment. The Madhya Pradesh High Court's technical opinion was overturned by the Court, which concluded that a limited reading undermines the purpose of the Act. Under Articles 21/41, tribunals have the authority to restore possession, reverse transfers, and compel eviction in order to preserve dignity^[34]. Explicit recitals are not required; the condition is established by context, such as the time after hospitalization. This expands upon the *Sudesh Chhikara v. Ramti Devi (2022 SCC OnLine SC 1684)*.
- *Varinder Kaur v. Daljit Kaur (2025 DHC 8641-DB)* and *Raviprakash R. Sodhani v. Ram Swaroop Sodhani (2025, Bombay High Court)* both upheld the implied "love and affection" requirements in intergenerational gifts; neglect results in statutory fiction of undue influence^[34].

ii. Eviction powers (not explicitly statutory but judicially derived):

- *Kamal Kant Mishra v. Additional Collector (2025 SCC OnLine Sc 2077)*: Parents' self-acquired property is not a child's lifetime property, and tribunals have the authority to evict for violating maintenance or residency rights by determining age on the date of filing^[34].
- *Samtola Devi v. State of Uttar Pradesh (2025 SCC OnLine SC 669)*: Eviction is only necessary for protection in cases when harassment continues and maintenance is not paid; it is discretionary and appropriate rather than automatic. It could balance with civil lawsuits that are pending^[34].

These interpretations change the Act from being maintenance-focused to a comprehensive welfare instrument, although detractors point out that the procedural summary character of the Act raises questions about due process and uneven tribunal operation.

d. Balancing Competing Rights: Harmonization with Protection of Women from Domestic Violence Act, 2005

The MWPC Act's eviction rights for elderly persons and Section 17 of the PWDV Act, 2005's rights for daughters-in-law to live in a "shared household" present a significant conflict. In *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District (2021) 15 SCC 730*, the Supreme Court disapproved of hierarchical supremacy:

- The overriding provision, Section 3 of the MWPC Act does not render PWDV safeguards ineffective. Eviction by the older Citizens Act is only allowed if it is "necessary and expedient" for the older citizen's tranquility, not as regular dispossession; both provisions must be interpreted harmoniously.

According to later decisions (e.g., Bombay/Delhi High Courts, 2025), traditional joint-family traditions give way to elders' Article 21 dignity; nonetheless, daughters-in-law are not permitted to claim indefinite residency in the absence of domestic abuse proceedings or other accommodations. This well-rounded strategy prioritizes vulnerability while preventing abuse.

e. Critical Reflections on Judicial Activism: Achievements, Limitations, and Path Forward

Judicial interpretations have undoubtedly strengthened the rights of the elderly, moving away from the reliance on CrPC Section 125 before to 2007 and toward a robust, multi-layered framework that includes legislative revocation/eviction, constitutional dignity, and policy enforcement. Purposeful liberalism is compatible with transformative constitutionalism and the UN Principles for Older Persons (hidden conditions, tribunal powers, continuous mandamus).

The state's inconsistent implementation of IPOP, IGNOAPS, and old-age homes; tribunal delays and poor knowledge; an excessive dependence on PILs for systemic concerns; and unresolved intersections with criminal elder-abuse provisions (IPC) or personal legislation (such as the Hindu Adoption and Maintenance Act) are just a few of the severe limitations that still exist. Deeper integration is required due to demographic estimates (elderly population >20% by 2050), such as necessary geriatric infrastructure, inflation-indexed pensions, and digital awareness campaigns.

Future legislative and judicial reforms should include: (i) mandated social audits of programs; (ii) fast-track procedures; (iii) inter-ministerial convergence; and (iv) statutory clarity on eviction proportionality. As Ashwani Kumar case rigorously emphasises that without rigorous enforcement, rights remain fictitious. Sustained executive compliance and legislative fine-tuning are now necessary for the true achievement of senior dignity in India; courts have supplied the interpretative framework.

IV. Implementation Challenges

India's implementation of elderly rights, which is based on constitutional mandates under Articles 21 (right to life with dignity), 41 (public assistance in old age), and 46 (protection of weaker sections), along with significant laws, policies, and programs, reveals significant systemic, structural, and societal deficiencies. The implementation of progressive frameworks such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act), the National Policy on Older Persons (NPOP), 1999 (revised as the draft National Policy for Senior Citizens (NPSC), 2011), and programs like the Integrated Programme for Older Persons (IPOP) (now under Atal Vayo Abhyudaya Yojana or AVYAY), the National Programme for Health Care of the Elderly (NPHCE), Rashtriya Vayoshri Yojana (RVY), the Pradhan Mantri Vaya Vandana Yojana (PMVVY), and the Indira Gandhi National Old Age Pension Scheme (IGNOAPS). The welfare-oriented objective is undermined by these issues, which prolong vulnerability in the face of a rapidly ageing population (19% of the population is predicted to be older by 2050). A thorough critical examination reveals a failure to transition from discretionary welfare to enforceable rights-based responsibility, not just operational flaws^[2].

a. Structural and Institutional Deficiencies in Legal Enforcement Mechanisms

The foundational legislation, the MWPSA Act, 2007, creates requirements for medical facilities and old-age homes (Section 19), property revocation under Section 23 for negligence, and Maintenance Tribunals (Section 7) for time-bound relief. States, however, have relied on overworked Sub-Divisional Officers with conflicting agendas rather than creating specialised tribunals in each sub-division^[2]. Widespread non-compliance has been caused by the permissive "may" language (as opposed to the mandatory "shall") for establishing one old-age home per district (for 150 impoverished seniors) and related infrastructure; many districts lack facilities with no streamlined admission, quality standards, or abuse safeguards^[9].

Due to practical challenges (such as children living abroad), financial constraints, and a lack of specialised infrastructure, the enforcement of repair orders and temporary relief is still lax. Rules requiring police to keep lists of lonely seniors, for example, are not sufficiently funded. These deficiencies are highlighted by the 2019 planned revisions (removal of the Rs. 10,000 monthly maintenance cap, online applications, helplines), however they have not yet been fully implemented. PILs such as *Dr. Ashwani Kumar v. Union of India* (Writ Petition No. 193/2016, Supreme Court, 2018) highlight the absence of oversight of rights to shelter, health, and dignity^[2].

b. Awareness, Accessibility, and Sociocultural Barriers

According to studies from the Longitudinal Ageing Study in India, or LASI, just 12% of senior people are aware of the MWPSA Act. This is made worse by stigma, emotional attachment to family, and physical or mental infirmity that discourages complaints. While cultural standards of filial piety conflict with legal action, senior residents in institutions or rural regions suffer severe access difficulties. As a result, neglect or abuse is underreported (prevalence 5–41.6% in studies, predominantly psychological/financial). Programs like RVY (assistive equipment for BPL seniors) and IPOP/AVYAY (NGO-run old-age homes and day care) have minimal outreach and paperwork barriers (e.g., Aadhaar connection). The most vulnerable people's rights are

rendered unreal by intersectional circumstances, poverty, rural isolation brought on by urban migration, widowhood (more than 50% of women over 80), and other causes ^[2].

c. Financial and Resource Constraints in Policy and Scheme Execution

Coordinated action plans were envisioned in NPOP 1999 and the 2011 NPSC draft (still mostly unimplemented/notified, with a new draft under formation as of 2025), but operational delays and funding deficits continue, particularly in bigger states ^[35]. Schemes function in isolated units: Launched in 2010–11, NPHCE has authorised services at 718 district hospitals and hundreds of CHCs/PHCs, but it suffers from underfunding and an incomplete deployment; RVY and PMVVY have coverage restrictions and problems with beneficiary identification; and IGNOAPS pensions continue to be low without regular inflation adjustment. IPOP/AVYAY has little central control and is mostly dependent on NGOs. The Senior Citizens Welfare Fund and "silver economy" programs, such as the SAGE portal, have potential but are small in scope. More than two-thirds of the elderly living below the poverty line do not have access to home-based care or sufficient financial stability due to demographic pressures (increasing dependence ratio) exceeding appropriations ^[2]

d. Judicial and Interpretative Challenges in Property Protection and Eviction

In addition to allowing tribunals to order eviction for peaceful dwelling, Section 23 of the MWPSA Act permits the reversal of property transfers (gifts/sales) upon negligence. Judicial rulings demonstrate implementation friction by revealing changing yet conflicting interpretation:

- The protective extent of the clause was addressed in *Sudesh Chhikara v. Ramti Devi* (2022 SCC OnLine SC 1684), but it also brought to light previous High Court differences on explicit vs. implicit maintenance requirements.
- The Supreme Court's ruling in *Urmila Dixit v. Sunil Sharan Dixit & Ors.* (2025) required a purposive, liberal construction, rejecting restrictive technical interpretations that thwart welfare goals. Even implicit obligations (via gift deed + promissory note) trigger Section 23 annulment and possession restoration.
- Implicit filial responsibility in transfers was upheld in *Raviprakash R. Sodhani & Anr. v. Ram Swaroop Sodhani & Ors.* (Bombay High Court, Writ Petition No. 11375/2025, October 3, 2025), which defined neglect as fraud or undue influence.
- Prioritising dignity over joint-family standards, *Kamal Kant Mishra v. Additional Collector & Ors.* (2025) upheld tribunal jurisdiction for the eviction of negligent children from self-acquired property.
- This was modified by *Samtola Devi v. State of Uttar Pradesh & Ors.* (2025), which held that eviction is discretionary rather than automatic, requiring need and proportionality (not justified if maintenance is paid without harassment) ^[34].

While Supreme Court interventions promote rights, the Act's effectiveness is undermined by High Court pendency, procedural delays, and abuse for pure property disputes (as opposed to maintenance). The absence of quick enforcement teeth in tribunals exposes older people to protracted litigation, which goes against the Act's goal of providing prompt remedies.

e. Health Care Delivery Gaps under Specialized Programmes

NPHCE has expanded OPD, IPD, and physiotherapy in accordance with MWPSA Section 20 and Ayushman Bharat expansions (free coverage up to ₹5 lakh for seniors 70+ since 2024). However, it still has significant shortcomings, including inadequate tertiary infrastructure (National Centers for Ageing and Regional Geriatric Centers are delayed), lack of indoor wards at lower levels, gaps in rural and tribal access (70% of the elderly live in rural areas), a lack of human resources despite training modules, and poor integration with Health and Wellness Centers. Acute/emergency care deficiencies, mental health neglect, polypharmacy hazards, and multimorbidity (32.96% prevalence) continue to exist. Only BPL categories with logistical challenges are

served by RVY assistance equipment. Both the universal-access objective of NPHCE and constitutional health rights are violated by these disparities ^[2].

f. Coordination, Monitoring, and Accountability Deficits in National Policies

Nodal departments, interministerial committees, National/State Councils/Commissions, and Panchayati Raj integration were envisioned in the NPOP 1999 and NPSC 2011 drafts; nevertheless, silos predominate across ministries (Social Justice, Health, Rural Development). State action plans lag due to inadequate accountability ("may" clauses), and the National Council for Senior Citizens lacks legally enforceable enforcement authority ^[35]. There are no results from LASI-driven periodic assessments or strong metrics. These cracks were made visible by COVID-19, which increased isolation and exclusion online. In the absence of public-private convergence or harmonised budgets, programs like AVYAY and SAGE continue to be dispersed ^[36].

g. Intersectional Vulnerabilities Exacerbating Implementation Failures

All issues are exacerbated by poverty, tribal/cultural barriers, rural-urban differences (migration-induced neglect), gender (elderly women have greater rates of widowhood, chronic disease, and dependent loads), and poverty. Relative-based maintenance under the MWPSA Act effectively excludes non-heirs; NPHCE tribe outreach is negligible; and policies exclude seniors with disabilities and the "oldest old" (80+). Constitutional equality remains aspirational in the absence of specific, rights-enforceable measures (e.g., increased pensions, required home-based care).

In conclusion, regarding old rights as optional charity rather than legally binding entitlements is a deeper moral weakness that is reflected in these difficulties. A partial solution is provided by judicial activism (purposive interpretations in 2025 Supreme Court opinions); nonetheless, ongoing reform, specialised tribunals, infrastructural requirements, awareness campaigns, ring-fenced financing, and more oversight are essential. Until then, India's framework for senior rights runs the risk of continuing to be a paper barrier against the country's inevitable population growth.

V. International Comparisons

This section compares India's framework for senior rights, which is based on court involvement, limited state benefits, and familial responsibilities, to international norms and models in industrialised countries. It reveals structural deficiencies in implementation, finance, and universality while highlighting alignments with UN instruments ^[37]. In contrast to state-centric, rights-based, and insurance-funded systems elsewhere, India's approach, which is founded on traditional filial piety and constitutional instructions (Articles 21, 38, 39, and 41), reveals prospects for change amid significant population ageing and nuclear-family trends ^[2].

a. Alignment with Global Human Rights Frameworks: UN Principles for Older Persons (1991) and Madrid International Plan of Action on Ageing (2002)

Four categories comprise the 18 principles outlined in the UN Principles for Older Persons (GA Res. 46/91, 1991): independence (e.g., access to food, shelter, income, and adaptable living environments); participation (involvement in policy-making and community service); care (support from family and community in addition to health and institutional services); self-fulfilment (access to education and culture); and dignity (freedom from abuse and fair treatment). India's National Policy on Older Persons (NPOP, 1999) and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act) are legally related because they place a high priority on family care, dignity, and government assistance for elderly people living in poverty (e.g., old-age homes and healthcare priorities under Sections 19–20) ^[38].

Three areas are given priority under the Madrid International Plan of Action on Ageing (MIPAA, 2002), to which India is a signatory: enabling/supportive settings, health and well-being, and older people and development. It demands the eradication of prejudice, the promotion of intergenerational solidarity, and the mainstreaming of ageing into national growth^[39]. The Integrated Programme for Older Persons (IPOP, renamed IPSrC) and India's NPOP (updated draft 2011) react by strengthening the capacity of NGOs and local organisations, however implementation lags: Inadequate national institutions, ongoing age-based

discrimination, and inconsistent development are noted in Asia-Pacific evaluations; India's disjointed plan falls short of MIPAA's bottom-up, participatory approach^[2].

Crucially, India's answer is still directive-principle-driven and family-centric, lacking a specific justiciable bill of rights or universal entitlements, unlike MIPAA's need for comprehensive social protection, while the UN frameworks regard older people as rights-holders in inclusive communities.

b. Legal Paradigms: Familial Duty in India versus State-Centric and Rights-Based Models Abroad

The MWPC Act, 2007 (Act No. 56 of 2007, amended via 2019 Bill proposals to broaden "children" and remove the ₹10,000 maintenance cap) in India imposes mandatory maintenance on children, relatives, and heirs through summary tribunals (Sections 4–8), with property-transfer revocation for neglect (Section 23) and mandates for healthcare and old-age homes (Sections 19–20). This illustrates a family-liability, maintenance-focused paradigm enhanced by constitutional rights to dignity (Article 21)^[40].

On the other hand, Japan's Long-Term Care Insurance Act (1997, effective 2000) prioritises independence over family responsibilities by establishing mandatory universal coverage for people 65 and older (and 40–64 with specific diseases). This coverage is financed by premiums and taxes and includes certification, in-home and institutional benefits, prevention services, and municipal oversight. The Family and Medical Leave Act (1993) for carer assistance and the Elder Justice Act supplement the USA's Older Americans Act (1965, revised), which establishes a National Ageing Network for community services, transportation, nutrition, and elder abuse prevention. By incorporating rights-based enforcement and governmental accountability, these systems lessen the need for filial responsibilities^[37].

India's approach is excellent at safeguarding self-acquired property (unique Section 23 mechanism), but it ignores emotional and relational aspects and enforcement flaws (poor knowledge, stigma, infrastructural deficiencies) in favour of transactional upkeep. India's fragmented, judicially driven growth may learn from the scalable, preventative, and interdisciplinary techniques used by the USA and Japan.

c. Financial Security and Pension Schemes: Adequacy, Coverage, and Sustainability

In addition to programs like Pradhan Mantri Vaya Vandana Yojana, India's Indira Gandhi National Old Age Pension Scheme (IGNOAPS, under NSAP) offers BPL seniors ₹200–500 per month (increased for 80+). In *Dr. Ashwani Kumar v. Union of India* (2019) 2 SCC 636, the Supreme Court directed the national implementation of MWPC and pension changes under Article 21 after criticising sums that had not changed since 2007 as being insufficient for basic requirements^[40].

In contrast, Japan's national pension and LTCI premiums provide greater coverage without stringent means-testing, while the United States' Social Security provides earnings-related benefits with Medicare integration. In contrast to Japan's (2% GDP on LTC) and OECD norms, India's programs only cover BPL sectors with inadequate sums, revealing weaknesses in a nation without universal social security^[37].

d. Healthcare and Long-Term Care: Universal Insurance versus Fragmented Welfare

For nursery, mobile units and assistive technology, India depends on the National Programme for Health Care of the Elderly (NPHCE) and IPOP; hospital beds are given priority by MWPC (Section 20). There is no universal long-term care (LTC) insurance, and institutional care is still scarce and depends on non-governmental organisations.

Comprehensive home, institutional, and preventative care is provided under Japan's LTCI as a social entitlement. Medicare (post-acute) and Medicaid (means-tested institutional LTC) are layered in the United States. According to OECD data, the Netherlands (4.1%) and Japan (\approx 2% GDP) significantly outspend the USA (1.3%) and India (negligible dedicated LTC allocation). MIPAA's "enabling environments" aim is not met by India's approach, which sustains out-of-pocket expenses and family caregiving hardship^[41].

e. Judicial Enforcement and Property Rights Protection: Indian Jurisprudence in Global Perspective

To uphold the dignity of the aged, Indian courts have construed Article 21 broadly. *S. Vanitha v. Commissioner, BBMP* (2021) 15 SCC 730 (tribunals' eviction powers for peaceful dwelling) and *Sudesh Chhikara v. Ramti Devi* (2022 SCC OnLine SC 1684) (implicit maintenance criteria adequate for Section 23 revocation) are two significant decisions. Dr. Ashwani Kumar offered implementation-related systemic guidelines^[42].

Although they lack India's property-revocation precision, the USA's Elder Justice Act and Japan's Elder Abuse Prevention Act (2005) also require reporting and interdisciplinary responses. In contrast to Japan's appeal processes and the United States' community-network enforcement, India's summary tribunals are quick but have procedural and awareness flaws.

f. Critical Gaps, Best Practices, and Pathways Forward for India

Inadequate pensions, insufficient LTC investment, insufficient MWPSA enforcement, and non-compliance with MIPAA's participatory ethos are systemic flaws that cannot be covered up by India's strengths—cultural family ethos, creative property safeguards, and judicial activism. Unlike preventative insurance in Japan or the rights infrastructure in the USA, family-centric models are unsustainable due to urbanisation and demographic forecasts (increasing old-age reliance)^[37].

Pathways initiated as, implement universal LTC insurance in the manner of Japan; raise IGNOAPS to universal minimums; pass a comprehensive Elder Rights Act that reflects MIPAA aims; bolster NCOP oversight; and incorporate gender and disability perspectives. Elders would be recognised as a separate category under a rights-based, unified national framework that would enable dignified ageing, close gaps, and uphold UN values.

VI. Prospective Reforms

India's elderly population (aged 60+) is projected to reach 319 million by 2050, constituting nearly 20% of the total population. While foundational enactments such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA Act), the National Policy on Older Persons (NPOP) 1999 (revised as the National Policy for Senior Citizens, 2011), and umbrella schemes under the Atal Vayo Abhyuday Yojana (AVYAY) / National Action Plan for Senior Citizens (NAPSrC), including the Integrated Programme for Senior Citizens (IPSrC), Rashtriya Vayoshri Yojana (RVY), Pradhan Mantri Vaya Vandana Yojana (PMVVY), National Programme for Health Care of the Elderly (NPHCE), and Indira Gandhi National Old Age Pension Scheme (IGNOAPS) under the National Social Assistance Programme (NSAP), have established a statutory and policy scaffold, persistent implementation deficits, low awareness (only 12% of seniors aware of the MWPSA Act), fragmented service delivery, and demographic pressures (nuclear families, rural-urban and gender divides) render these frameworks inadequate for a rights-based, dignified ageing ecosystem^[1].

In *Dr. Ashwani Kumar v. Union of India* (2018) 15 SCALE 873, the Supreme Court issued ongoing mandamus directives for nationwide status reports on old-age homes and geriatric facilities, mandatory publicity of the MWPSA Act, and directives under Section 30 for effective implementation, clearly recognising elderly rights to dignity, shelter, health, and maintenance as essential to Article 21 of the Constitution. However, imperfect compliance highlights the need for future systemic changes. The following are articulate a forward-looking, multi-pronged reform agenda grounded in constitutional imperatives (Articles 21, 39, 41, 46), international benchmarks (Madrid International Plan of Action on Ageing, 2002; proposed UN Convention on the Rights of Older Persons), and evidence from the Longitudinal Ageing Study in India (LASI) and NITI Aayog's *Senior Care Reforms in India* (2024).

a. Legislative and Constitutional Fortification

The MWPSA Act, 2007 (Sections 4–5 for maintenance, Section 23 for conditional property transfer revocation, and Sections 19–20 for old-age homes and medical care) remains the core law with the inclusion of CrPC Section 125 and personal laws. However, the lack of criminal sanctions for abuse and neglect, narrow

definitions of "children/relatives," and tribunal procedural delays limit efficacy. In order to: (i) mandate 90-day disposal timelines; (ii) expand "maintenance" to include mental health and digital support; (iii) impose imprisonment (3–6 months) and fines (up to ₹10,000) for ill-treatment; and (iv) permit digital filing and virtual hearings, the 2019 Amendment Bill (pending notification) must be passed immediately.

A complete National Elderly Rights Act should be passed, requiring governments to set up geriatric infrastructure at the district level and specifically codifying Article 21 rights (dignity, health, housing, and financial security). Fast-track appellate procedures are necessary to improve property reclamation under Section 23, as upheld in *Urmila Dixit v. Sunil Sharan Dixit* (2025 INSC 20) (eviction and restoration powers). In line with progressive interpretations in *S. Vanitha v. Deputy Commissioner* (2020) and *Dhanwanti Joshi v. Madhav Unde*, aged rights might be elevated to explicit basic status by constitutional reform or Supreme Court instructions (invoking *Ashwani Kumar* continuing mandamus).

b. Policy Framework and Institutional Overhaul

The National Policy for Senior Citizens 2011 and NPOP 1999 lay a strong focus on "ageing in place," financial stability, and intergenerational relationships, however they lack interministerial convergence, quantifiable KPIs, and legally enforceable enforcement. These must be upgraded into a National Council of Senior Citizens (NCSrC) with quasi-judicial monitoring powers similar to the National Human Rights Commission, a National Mission for Ageing and Senior Welfare with statutory support, and an annual budgetary ring-fencing (minimum 2% of GDP allocation)^[35].

A one-stop centralised digital platform that integrates Elder Line 14567, SACRED, SAGE, and maintenance tribunals, mandated district geriatric plans that comply with *Ashwani Kumar* instructions, and state-level Senior Citizens' Welfare Funds with CSR obligations are examples of institutional improvements. The Real Estate (Regulation and Development) Act framework requires model bye-laws to operationalise NITI Aayog's suggestion for national standards and quality certification for private senior-care providers (homes, creches, assisted living)^[1].

c. Healthcare Ecosystem Transformation

Although RVY and NPHCE (2010–11) offer basic geriatric infrastructure, coverage is still inconsistent (geriatric wards in less than 500 districts; high out-of-pocket expense at 60–75%). Universal geriatric coverage under extended Ayushman Bharat–PMJAY (covering OPD, palliative, mental health, and long-term care) and specialised Health and Wellness Centers with Community Health Officers with geriatric training must be mandated by reforms. There is no room for negotiation when it comes to the integration of AYUSH (VayoMitra) for preventive wellness, required geriatric curriculum in medical and nursing education, and 24-hour geriatric ambulances (with BLS/ALS)^[1].

Create a national geriatric illness registry, operationalise Poshan Abhiyaan for elders, and provide incentives for home-based care models (influenced by Kerala/Tamil Nadu SHGs). LASI data must be in line with climate-resilient health practices and mental health integration, which addresses one in three depression symptoms.

d. Financial Security and Economic Empowerment

The 2011 Policy's suggestion of ₹1,000 (inflation-indexed) must be implemented immediately, with universal coverage for BPL and oldest-old (80+). IGNOAPS pensions (₹200–500/month) are woefully insufficient (actual value <₹100). Promote reverse mortgage liquidity and tax/GST exemptions on senior-care items and gadgets; extend PMVVY and Atal Pension Yojana to unorganised industries^[35].

The SACRED and SAGE websites' silver-economy initiatives, such as reskilling programs, grey-intern schemes, senior entrepreneurial incentives (₹100 crore equity fund), and required CSR allocation for senior lives, need to be scaled. Reducing 70% of family reliance requires universal micro-pension plans with government top-ups and JAM-trinity connection.

e. Social Protection, Inclusion, and Awareness Mechanisms

National, multilingual efforts on MWPC rights, programs, and concessions are necessary because to low knowledge and the dissolution of nuclear families. Create senior activity centers, peer support groups, and "care fellows" for transportation and documentation. Encourage "ageing in place" by providing one care facility or creche per district, barrier-free universal design (Sugamya Bharat integration) and a 10% reservation in PMAY homes^[1].

Intersecting vulnerabilities are addressed by gender-sensitive policies (widow-focused pensions, SHGs) and rural prioritising. NALSA legal aid clinics at tribunals and community-based approaches (such as neighbourhood watch and intergenerational programs) need to be expanded.

f. Judicial, Enforcement, and Digital Innovations

It requires virtual hearings, time-bound tribunal disposal, and NALSA integration. According to Ashwani Kumar, mandamus monitoring should develop into an annual parliamentary review process. AI/IoT wearables for fall/emergency monitoring, voice-activated applications, and required digital literacy modules—which address the 85.8% illiteracy gap, are examples of digital reforms. For services, complaints, and fraud prevention, a single "Elder App" is essential^[1].

g. International Alignment, Monitoring, and Financing

Adopt the Madrid Plan's tenets into domestic legislation and ratify the UN Convention on the Rights of Older People. Create a National Ageing Data Repository with yearly progress reports (growing LASI). Financing changes include 100% FDI in geriatric facilities and infrastructure, increased Senior Citizens' Welfare Fund corpus, and long-term care insurance (required payments).

In addition to addressing structural injustices revealed by the COVID-19 pandemic and demographic shift, these reforms, if carried out with political will and intersectoral convergence, will turn elderly rights from aspirational constitutional rhetoric into enforceable, dignified reality. This will fulfil Ashwani Kumar's vision of a "society for all ages." It is not only desired but constitutionally required that the upcoming MWPC Amendment, National Mission, and universal geriatric package be given immediate priority.

CONCLUSION

A critical analysis of India's aged rights finds a deep contradiction between an apparently progressive legal-policy framework and its disjointed operationalization, which is made worse by the country's fast socioeconomic changes and demographic transitions toward a "silver tsunami."

a. Legislative Effectiveness and Judicial Fortification

The key legislation is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC Act), which establishes Maintenance Tribunals for prompt redress, imposes statutory maintenance obligations on children and heirs, and permits the revocation of property transfers under Section 23 in cases where basic amenities are withheld after transfer. In *Sudesh Chhikara v. Ramti Devi* (2022 SCC OnLine SC 1684), the Supreme Court clarified that implied conditions of care are sufficient to attract the deeming fiction of fraud, and in *Urmila Dixit v. Sunil Sharan Dixit* (2025 SCC OnLine SC 2), building on *S. Vanitha v. Deputy Commissioner* (2021) 15 SCC 730, the tribunal authority for eviction as essential for the protection of senior citizens. These statements highlight purposive jurisprudence while highlighting the Act's reliance on adversarial procedures in the face of ongoing implementation flaws.

b. Policy and Scheme Disconnect

The implementation of the National Policy on Older Persons 1999 (NPOP), which promises financial security, healthcare access, shelter, and active aging, depends on three flagship programs: the Pradhan Mantri Vaya Vandana Yojana (PMVVY), which guarantees 8% assured pension returns; the Indira Gandhi National Old

Age Pension Scheme (IGNOAPS), which provides pitiful central assistance of Rs. 200-400 per month to seniors living below the poverty line; and the mandatory district old-age homes under MWPS Section 19. Despite this, structural deficiencies are shown by persistent underfunding, delayed disbursements, and insufficient coverage, since Section 19 obligations are still mostly unmet in districts.

c. Crucial Implementation Gaps and Societal Underpinnings

Egregious gaps are highlighted by empirical critiques, including widespread ignorance among the elderly, bureaucratic indifference, the decline of the joint-family ethos as a result of migration and urbanization, and insufficient geriatric infrastructure. These make policy pledges and constitutional Directive Principles (Article 41) unreal, maintaining susceptibility to abuse, poverty, and humiliation in spite of legal protections.

d. Transformative Roadmap Ahead

Holistic reforms are required by a critical, deep-thinking imperative: technology-enabled tribunals for expedited justice, inflation-linked pensions, mandatory national old-age ecosystems through public-private partnerships, ongoing awareness campaigns, and legislative improvements covering mental health and universal healthcare integration. In order to create a dignified aging paradigm that respects its cultural legacy while addressing modern realities, India must ultimately transition from paternalistic kindness to rights-based empowerment—or else legal intent would remain a mere pledge.

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