



JUSTICE FOR THE FORGOTTEN: A CRITICAL ANALYSIS OF LEGAL PROTECTION FOR SENIOR CITIZENS UNDER THE 2007 ACT WITHIN INDIA'S EVOLVING CRIMINAL JUSTICE FRAMEWORK

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ABSTRACT :

India's demographic shift towards an ageing society has serious implications for the welfare, dignity, and protection of the elderly. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was landmark legislation aimed at ensuring maintenance and preventing elder abuse. However, despite its progressive spirit, implementation suffers due to poor awareness, procedural delays, performative enforcement, and lack of integration with criminal justice mechanisms. This paper examines the concept of 'elder rights' within India's legal framework, critically analyses the Maintenance Act, and highlights systemic barriers affecting its effectiveness. It further evaluates the Act against the evolving criminal justice landscape and notes the Bharatiya Nyaya Sanhita, 2023's shortcomings in addressing crimes against seniors. Drawing from global models like Singapore, the USA, and the UK, it showcases how elder protection can be institutionalised through mandatory reporting, elder abuse registries, and independent oversight agencies. It advocates for a rights-based, restorative, and institutionalised approach: amending the Act to criminalise elder abuse, creating fast-track mechanisms, leveraging technology for access to justice, and integrating elder welfare into broader human rights and social security systems. Recommendations include strengthening Maintenance Tribunals with greater autonomy, ensuring police sensitisation, providing compulsory legal aid to elders, and establishing an independent Elder Rights Ombudsman. The article concludes that safeguarding the constitutional dignity of India's elderly requires not just welfare rhetoric but enforceable legal rights. Protecting the assurance under Article 21—that life must be lived with dignity—demands systematic reform, strong law enforcement, and a social care framework, ensuring that justice for neglected Elders moves from aspiration to reality.



KEYWORDS : Senior Citizens' Rights, Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Elder Abuse and Neglect, Criminal Justice Reform, Constitutional Dignity..

I. INTRODUCTION

India is undergoing a demographic change with the gradually increasing elderly population.¹ By 2031, the number of senior citizens in India (persons aged 60 years and above) is projected to exceed 193 million, representing almost 14% of the total population, as per the Report of the Technical Group

¹ James, K. S., and Srinivas Goli. "Demographic changes in India: Is the country prepared for the challenge." *Brown J. World Aff.* 23 (2016): 169.

on Population Projections for India and States 2011–2036 (National Commission on Population).² This greying trend is a natural by-product of improving life expectancy and decreasing fertility rates. This development, which reflects progress on both medical and social levels, is also accompanied by significant challenges, namely in the fields of elder care, social security, and legal protection.

Dependence on either a family member or a payee makes them more vulnerable to financial abuse in India, especially senior citizens.³ Reports of neglect, abandonment, emotional and physical abuse, economic exploitation and dispossession from property are becoming more frequent, yet are rarely treated with the degree of seriousness they deserve." Despite the constitutional guarantee of the right to live with dignity (Article 21), many elders are compelled to lead lives of indignity and isolation, deprived of basic necessities and protection.⁴

The law has an important function here, in making sure that the elderly are not pushed to the edge of society.⁵ It is through various enactments of the Indian legal framework that the welfare and rights of this section of the population are sought to be upheld. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the MWPSA Act), is one of the most important legislative measures making a speedy, cheap and rights-based provision for the maintenance and welfare of parents and senior citizens. Despite the legislative intent, practical implementation has often lagged in some key aspects, especially when it comes to effective enforcement through the criminal justice system.

The objective of this article is to evaluate the applicability of the MWPSA Act, 2007 and its performance significantly in the era of developing issues of criminal justice. It aims to bridge the gap of non-implementation of legal rights, study the barriers to accessing justice for senior citizens and provide policy recommendations for reform. It also places these issues within the broader canvas of rights, connecting elder protection to both human rights discourse, constitutional guarantees and India's commitment under international law.

To this end, the article utilises a doctrinal methodology, broadly defined as the detailed study of relevant statutes, case law, policy documents, and secondary literature. This approach allows for an in-depth exploration of the MWPSA Act's compatibility with the criminal justice system, as well as its potential for safeguarding the most vulnerable members of our society—the elderly and neglected.

II. CONCEPTUAL FRAMEWORK OF ELDER RIGHTS AND WELFARE

According to section 2(h) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, a Senior Citizen means a person who has attained the age of sixty years or above. This definition applies to both parents (biological, adoptive, or step-parents) and elderly people with or without children. Age is the basis for classification also in determining eligibility under various government welfare schemes, including the National Policy on Older Persons (1999), which provides entitlements like healthcare, pensions, and travel discounts.⁶ This definition may sound simple, but it becomes salient with respect to rights and entitlements. It provides legal status to a group of citizens who remain marginalised in the context of law and policy and allows for targeted welfare measures and access to justice mechanisms for this group.

There are no specific provisions in the Constitution of India pertaining exclusively to senior citizens, but there are a number of fundamental rights and directive principles that help with the dignity and welfare of the elderly:

² Sonune, Manoj, and Allen Ugargol. "The need for age-inclusive and gender-sensitive social policies for India's longevity society." *Ageing and longevity* 6, no. 1 (2025): 73-97.

³ Kumar, Yatish, and Anita Bhargava. "Elder abuse in Indian families: Problems and preventive actions." *International Journal of Scientific and Research Publications* 4, no. 10 (2014): 1-8.

⁴ Mohit, C. S., and Sonia K. Das. "Rights and dignity of "senior citizens" and mechanisms for it's legal protection—a critical and comparative study with special reference to Kerala." (2021).

⁵ Fineman, Marth Albertson. "Elderly as vulnerable: rethinking the nature of individual and societal responsibility." *Elder LJ* 20 (2012): 71.

⁶ Government of India. "National policy on older persons." (1999).

Article 21 connotes the Right to Life and Personal Liberty which has been expansively interpreted by the judiciary to include even the Right to Live with Dignity. This is a fundamental right of elder people that helps ensure humane treatment. It is Article 41 of the Directive Principles of State Policy (DPSP) that enjoins the State to provide public assistance in cases of old age, within the economic capacity of the State. It underlies policies on pensions, health care and maintenance. Article 46 enjoins the State to promote with special care the educational and economic interests of the weaker sections of the people, which has been interpreted as covering senior citizens who experience vulnerability due to age and infirmity. While these provisions lend themselves to characteristics (of Directive Principles, justiciability) that are non-justiciable, they indicate directives for the framing of laws and policies pertaining to care and protection of elders.

India's international obligations also shape its approach to elder rights. The country is party to several international declarations and frameworks that emphasise the protection and empowerment of older persons:

The United Nations Principles for Older Persons (1991) articulate independence, participation, care, self-fulfilment and dignity.⁷ These principles call on member states to guarantee older persons access to timely health care, income security and legal protection from abuse and neglect. Ageing experts encourage governments to promote the well-being of older persons in policies by strengthening social and economic development policies, specifically focusing on the prevention of elder abuse, social inclusion and legal protection (Madrid International Plan of Action on Ageing, 2002).⁸ Although they are not legally binding, such instruments are global expressions of consensus and influence domestic legislative processes, including in human rights-based approaches to aging.

Filial responsibility is a moral and cultural obligation in Indian society. According to the Hindu religion, as well as all Indian religions and cultural traditions, taking care of your old parents is seen to be sacred karma.⁹ However, the decline of joint family structures, urbanisation, and increasing economic pressures have led to a breakdown of these informal care networks. As a consequence, older people are more often neglected, left alone and discarded. This is where legal enforcement comes into play. Where moral duties are abstract, legal obligations come with the force of law behind them. The MWPSA Act, 2007 is thus an answer to this changing social fabric where moral obligations to protect women are now being dictated under the law. This evolving attitude mirrors a global shift — perhaps best exemplified in nations like Singapore, where the Maintenance of Parents Act (1995) makes it a criminal offense for adult children to fail to support their elderly parents,¹⁰ or China, where adult children must now visit and provide care for their parents as a matter of law.¹¹ India's model, though grounded in family obligation, tries to reconcile social mores with the apparatus of justice, allowing old people to claim their rights through maintenance tribunals and legal remedies.¹² However, enforcement is inconsistent due to procedural delays, ignorance, and lack of institutional support. This framework serves to foreground analysis of how India's legal mechanisms and criminal jurisprudence can more effectively protect the rights of the elderly, ensuring that the promise of constitutional protection becomes a lived reality.

⁷ Lewis, Bridget, Kelly Purser, and Kirsty Mackie. *The human rights of older persons*. Springer Singapore, 2020.

⁸ Sidorenko, Alexandre, and Alan Walker. "The Madrid International Plan of Action on Ageing: from conception to implementation." *Ageing & Society* 24, no. 2 (2004): 147-165.

⁹ Mostofa, Shafi Md. "Rights and Responsibilities of Family Members in Different Religions: A Comparative Study." *International Journal of Recent Research in Social Sciences and Humanities* 2, no. 4 (2015): 238-247.

¹⁰ Lee, Art. "Singapore's Maintenance of Parents Act: A lesson to be learned from the United States." *Loy. LA Int'l & Comp. LJ* 17 (1994): 671.

¹¹ Yu, Luxue. "" Visit Your Parents": How Chinese Courts Apply the Elderly Law." *Hong Kong LJ* 52 (2022): 615.

¹² Bhattacharjee, Anuleena, and Sanjit Kr Chakraborty. "Navigating the Path to Justice: An Empirical Analysis of Access to Justice for the Elderly through Maintenance Tribunals in Kolkata." *Indian JL & Just.* 14 (2023): 341.

III. OVERVIEW OF THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

Respect for elders and respect for filial duty have been central to India's rich civilizational ethos since the dawn of recorded history. Joint families were the traditional social safety net for aged and enfeebled parents¹³. But these forms of support have grown thinner with rapid urbanisation, migration, the rise of nuclear families and changing socio-economic dynamics. As a result, many elders have been left exposed and neglected by their children or relatives, or worse, have even been abused.

Apart from the moral duty, there was no statutory obligation cast upon the children to take care of his/her aged parents. The BNSS Section 144 made some provision for the maintenance of parents, but it was limited in terms of scope, procedural accessibility and enforceability.

To address this emerging issue, Parliament passed the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 under the Ministry of Social Justice and Empowerment.¹⁴ The purpose of the legislation was to provide for the right to maintenance, protection of life and property, and welfare of senior citizens through a mechanism that would be speedy, inexpensive, and easily accessible, thereby reaffirming the constitutional mandate of dignity under Article 21.

Section 4 of the MWPSA Act imposes a legal duty upon the children or heirs to look after the parents or the senior citizens, unable to maintain themselves. They are also responsible for providing food, clothing, residence, medical attendance and treatment. If the obligor defaults, the concerned senior citizen can file an application seeking a maintenance order.

Maintenance can be claimed by:

- Biological/adoptive parents
- Step-parents
- Senior citizens (60+) without children, against relatives who stand to inherit their property

Section 8 of the **MWPSA Act** stipulates a **summary procedure**, allowing the Tribunal to order a **monthly maintenance amount up to Rs. 10,000**, though this ceiling may vary based on state notifications.¹⁵

The MWPSA Act requires that Maintenance Tribunals be constituted by the State Government for every Sub-Division in the State under Section 7 of the MWPSA Act. These are quasi-judicial bodies, headed by Sub-Divisional Officers and authorised to:

- Hear applications for maintenance
- Summon parties
- Order payments or impose penalties for non-compliance
- Order the establishment of old-age homes

So far, proceedings are summary in nature, which ensures expeditious redressal, with a goal of resolving cases within 90 days, extendable only for up to 30 days in limited situations.

Section 4 and 5 of the MWPSA Act together imposes a statutory duty on children and specified relatives to maintain and support senior citizens. "Children" means son, daughter, grandson, granddaughter (not being minor) and "relative" means relative as provided in clause (f) of section 2 of the Companies Act, 2013 and legal heirs of a childless senior citizen who would be the legal heirs to the properties of senior citizens. Thus, if any person defaults the payment of the maintenance ordered,

¹³ Jamnekar, Amar Vijay, Sheetal Ajay Warankar, Md Tanweer Alam Sunny, and Bhavana S. Sahu. "The Rich Tapestry of Indian Cultural Diversity: Exploring the New Responsibilities of Adult Children towards Elderly Parents."

¹⁴ Meenai, Ghazala. "Senior citizens: issues and perspectives." *Ageing Issues in India: Practices, Perspectives and Policies* (2021): 211-230.

¹⁵ Section 9 of the MWPSA Act.

he/she shall be punishable under Section 24 of the MWPSA Act with imprisonment for a term which may extend to one month or until payment of the alimony is made.

The MWPSA Act introduces a key provision under Section 23 which states that any transfer of property (movable or immovable) made by a senior citizen shall be treated as void, in case the transfer was made subject to the condition that the transferee would take care of the transferor and if such condition is not fulfilled.

- Such transfers are void ab initio and the senior citizen may recover possession of the property through summary proceedings before the Tribunal.
- This provision serves as a protective measure against economic exploitation, coercion and fraud by legal heirs or caretaker.

Salient Features and Procedural Mechanism under the MWPSA Act are: (i) Expedious and Affordable Justice: Proceedings summary in nature matter allows a senior citizen to avail justice without lengthy litigation. (ii) No Court Fee on Applications: Any application made under the Act is not chargeable to pay any court fee, and is another step that removes the financial burden from the elderly who apply under the Act. (iii) Right to Appeal: Section 16 allows for an appeal against the order of the Maintenance Tribunal to an Appellate Tribunal, which is usually headed by the District Magistrate. (iv) Old Age Homes: Making it obligatory for State Governments to set up and maintain at least one old age home for economically backwards senior citizens in every district is covered in Section 19. (v) Conciliation. Officers and Panels: Conciliation officers or panels can be utilised by tribunals to sanguinely address disputes. (vi) Penalty for Abandonment: Abandoning a senior citizen by a caregiver is a criminal offence under Section 24, which can lead to imprisonment of up to three months or a fine up to ₹5,000 or both. (vii) Administrative Oversight: District Magistrates have the power to ensure that the Act is implemented, and to coordinate with police and social welfare departments.¹⁶

The MWPSA Act, 2007 therefore stands as a landmark attempt to translate social expectations into actionable legal entitlements, achieving a judicious equilibrium between family-based care and state intervention. However, as explored in more detailed in the following sections, the implementation of these provisions is fraught with a range of systemic and infrastructural challenges that require urgent attention.

IV. CHALLENGES IN IMPLEMENTATION

One of the major bottlenecks in the effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is lack of awareness among the beneficiaries themselves. ¹⁷A significant number of senior citizens, particularly in rural and semi-urban areas, have little knowledge of their rights under the Act or the procedural channels to enforce them. Even those who know are frequently too frightened to sue their own children out of emotional, cultural, and societal pressure. In India's highly collectivist society, the idea of filing proceedings against children is seen as a defamation and causes internalised stigma and secondary victimisation. Yet, elder abuse and neglect are both common and serious problems that are among the most under-reported crimes.¹⁸

The Act provides for Maintenance Tribunals at the sub-divisional level for easy redressal. However, many states have not set them up properly, appointing overburdened officers without staff,

¹⁶ Raj, Utsav, and Abhiruchi Galhotra. "The Maintenance and Welfare of Parents and Senior Citizens Act, 2007- Helping the conditions of the elderly in India." *Indian Journal of Community and Family Medicine* 5, no. 2 (2019): 157-161.

¹⁷ Wacker, Robbyn R., and Karen A. Roberto. *Community resources for older adults: Programs and services in an era of change*. Sage Publications, 2018.

¹⁸ Muhammad, T., Trupti Meher, and T. V. Sekher. "Association of elder abuse, crime victimhood and perceived neighbourhood safety with major depression among older adults in India: a cross-sectional study using data from the LASI baseline survey (2017–2018)." *BMJ open* 11, no. 12 (2021): e055625.

office space, or technical support. Lack of training, legal aid, counselling, and coordination has weakened the system.

Although the Act prescribes a 90-day timeline for case disposal, delays and inefficiency prevail. Maintenance orders are rarely enforced as authorities seldom use coercive measures like property attachment, and penalties for non-compliance are weak.

Section 24 criminalises abandonment but does not cover other elder abuses like economic exploitation or emotional cruelty unless falling under general laws. Elder abuse cases are under-reported, and no specific laws exist, making redress fragmented and insufficient.

Overlapping jurisdiction among civil, criminal, and revenue authorities creates confusion. Property retrieval under Section 23 and claims under Section 144 of BNSS overlap, causing delays and inconsistent rulings due to lack of coordination between judicial forums.

These challenges highlight the urgent need for systemic reforms, better resources, and proactive state efforts to turn the MWPSA Act, 2007 into a strong and enforceable rights framework.

V. INTERLINKAGES WITH THE CRIMINAL JUSTICE SYSTEM

Elder abuse, neglect, and exploitation are still highly underreported and poorly addressed through the criminal justice system, despite the statutory backing of MWPSA Act, 2007.¹⁹ Senior citizens maltreated within family environments rarely make criminal complaints because of emotional dependence, fear of retaliation, or social disgrace.²⁰ Even when that abuse comes to light, it's treated as a private, domestic concern, not an enforceable legal one. Moreover, there is also a dearth of specificity in the pre-existing provisions of the Indian Penal Code (IPC)—along with the now metamorphosed Bharatiya Nyaya Sanhita (BNS)—in terms of dealing with the nature of crimes against senior citizens and the plethora of offences they can be subjected to such as economic coercion, abandonment or wilful deprivation of medical treatment. The lack of targeted provisions leads to enforcement gaps, decreasing deterrence and emboldening perpetrators.

The MWPSA Act, 2007 is placed primarily Welfare Act but also leads to penal consequences under Section 24 for abandonment.²¹ But in practice, the role for police and prosecutors has been scant or unclear. Police officers lack sensitisation regarding elder rights and their procedural mandate under the act. Frequently, complaints by older persons do not get registered or are directed towards mechanisms for civil disputes, diluting the criminal justice response. The Act also lacks a requirement for police authorities and Maintenance Tribunals to regularly coordinate their efforts. Prosecutions in tribunals are rare as well, resulting in a failure to employ a legally competent force to obtain justice for the vulnerable complainants. An ecosystem of law enforcement where the statutory provisions in place fail to work, if at all.

The new Bharatiya Nyaya Sanhita (BNS), 2023, replacing the IPC, still lacks specific provisions for elder abuse. While general crimes like breach of trust or assault may apply, systemic domestic abuse and issues like abandonment or economic exploitation remain unaddressed. Adding explicit elder abuse laws in BNS with graded penalties would strengthen protection under the MWPSA Act.

Older adults often face overlapping legal systems, including domestic violence, property, and guardianship laws. Although the PWDVA covers elder abuse, few seniors use it due to complexity and social pressure. Property disputes overlap with multiple laws, and incapacitation raises guardianship issues, creating confusion and inconsistent rulings.

¹⁹ Teaster, Pamela B., Georgia J. Anetzberger, Elizabeth Podnieks, Benjamin Comire, and E. Carlisle Shealy. "Chapter 1: Introduction to the worldwide face of elder abuse." In *The Worldwide Face of Elder Abuse*, pp. 2-19. Cham: Springer International Publishing, 2023.

²⁰ Thimsen, Kathleen. "Interpersonal violence and the elderly." In *Elder abuse*, pp. 85-105. Academic Press, 2020.

²¹ Vardhan, Ranjay. "Elder abuse and elder victimization: A sociological analysis." *International Annals of Criminology* 55, no. 1 (2017): 99-113.

In *Ashwani Kumar v. Union of India*, the Supreme Court stressed better implementation of the MWPSA Act, calling for improved old-age homes, healthcare, and stronger tribunals. It emphasized that Articles 21 and 41 mandate the State to ensure a life of dignity for senior citizens.

VI. ROLE OF RESTORATIVE JUSTICE AND COMMUNITY-BASED MODELS

Most criminal justice responses are adversarial and unsuitable for sensitive family disputes like elder neglect. Restorative justice methods like mediation, allowed under Section 6(4) of the MWPSA Act, 2007, offer a voluntary, confidential space to resolve issues while preserving family ties. Setting up exclusive mediation centres for elders can help settle conflicts faster and with dignity.

Elder abuse is best identified, reported and prevented by community members, local governance bodies like a Gram Panchayat and non-governmental organisations (NGOs)/social workers.²² In situations of extensive social isolation among senior citizens in many rural and peri-urban settings, both abuse and neglect tend to remain hidden unless local actors take action. Various NGOs like HelpAge India, Agewell Foundation and many others provide helplines, legal aid, counselling, shelter services, and also act as a modality between the aggrieved old person and the legal system. Social workers with expertise in geriatric welfare can serve as resource persons before the Maintenance Tribunals, presenting their grievances, communicating effectively and documenting complaints while also emphasising compliance with maintenance orders. Panchayats as community-level governance bodies are well-poised to mediate dispute, disseminate information regarding the MWPSA Act and act as first responders in case of elder distress.

Legal remedy alone does not address the emotional trauma and dislocation suffered by neglected and abused elders.²³ What is needed urgently is an integrated approach involving rehabilitation, psychological counselling community-based support systems. The MWPSA Act imposes an obligation on state governments under Section 19 to set up old-age homes in every district, but their availability, quality and accessibility leave much to be desired. Day-care centres, senior citizens' clubs, and intergenerational engagement programs — community-based models that promote social inclusion — mitigate the feelings of abandonment. These psychological counselling services are also beneficial for elders who are involved in legal proceedings against their biological relatives, to help them deal with anxiety, trauma and shame. Placing these models within local communities makes continued care possible beyond legal judgment to ensure victims are not re-victimised in the process.

In line with this, access to justice for senior citizens can be greatly enhanced by dovetailing the MWPSA Act into the larger legal aid ecosystem established under the Legal Services Authorities Act, 1987. Though bodies like the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) have already devised specific schemes for elderly litigants, their patronage still seems far underutilised.²⁴ Government Launches Nyaya Bandhu Scheme for Pro Bono Legal Services. The Nyaya Bandhu (Pro Bono Legal Services) initiative, introduced by the Department of Justice, Government of India, is a game-changer in this domain.²⁵ This platform connects senior citizens with volunteer advocates who are well-versed in providing free legal aid, ensuring prompt representation, completing petitions and following up on orders. A legal awareness campaign, Lok Adalats for disputes on the elderly, and provision for mobile legal aid clinics working with Nyaya Bandhu can further reinforce a restorative, rights-based, humane legal ecosystem for the aged.

²² Sawhney, Maneeta. "The role of non-governmental organizations for the welfare of the elderly: The case of HelpAge India." *Journal of aging & social policy* 15, no. 2-3 (2003): 179-191.

²³ Sivagami, P. "Elderly abuse: "Elderly in the community are the richest source of experience"." *TNNMC Journal of Community Health Nursing* 1, no. 1 (2013): 31-33.

²⁴ Vaidya, Usha, and Siddhartha Singh Chauhan. "A Study on The Legal Services Authorities ACT, 1987." *International Journal of Innovations in Science, Engineering And Management* (2024): 51-56.

²⁵ Karmakar, Subhra Bakul, and Kavita Lama. "Legal Aid Service And Access To Justice With Special Reference To Pro Bono Culture Model: A New Dimension Of Legal Education In India." *GAP INTERDISCIPLINARITIES* 7, no. 2 (2024): 87-98.

VII. COMPARATIVE JURISPRUDENCE AND GLOBAL BEST PRACTICES

In a number of other countries around the world, existing well-developed frameworks for the protection and best interests of senior citizens routinely incorporate elder rights into both the social policy and criminal justice realms. Care Act, 2014 is one of the key historical segments of legislation in the UK that confirms statutory responsibilities on local authorities for assessment of care needs and care provision for older individuals.²⁶ It highlights protection responsibilities, encouraging dignity, independence, and freedom from abuse or neglect. The United States offers a full continuum of care and protection for the elderly through such laws as the Older Americans Act, 1965 and state Adult Protective Services (APS) statutes,²⁷ which together have established one of the most comprehensive elder care systems in the world: becoming a system that provides legal representation, social services, protective interventions, and criminal penalties for abuse. One of the few similar implementations, Singapore, which bears many demographic resemblances with India, has enacted the Maintenance of Parents Act, 1995, which is a requirement for adult children to pay maintenance to their elderly parents. In sharp contrast with India, Singapore strictly enforces maintenance orders; a streamlined process exists through the Tribunal for the Maintenance of Parents that operates efficiently through the Ministry of Social and Family Development.

Unlike many developed countries like the USA, India lacks mandatory reporting laws and elder abuse registries. In the USA, mandatory reporting by caregivers and registries linked to employment systems help detect, document, and prevent elder abuse. India's absence of such mechanisms leads to underreporting and repeat victimisation.

Several countries have institutionalised independent oversight bodies to protect elder rights. In Australia, for example, the Aged Care Quality and Safety Commission acts as a regulatory watchdog, investigating complaints about and monitoring standards in aged care facilities.²⁸ In Canada, there exists an Ombudsman for senior citizens in each province, who independently investigates complaints and reports with recommendations in order to help the government improve its policies.²⁹ These mechanisms offer a neutral and accessible grievance-redressal platform outside of the traditional courts. In the UK, the Commissioner for Older People in Northern Ireland is a statutory office with powers to review laws, give the government advice and promote awareness of the rights of older people. These institutional models contribute to fostering sustained focus on policy, systemic change, and responsive administration. India does not have a central Ombudsman/Commissioner for the elderly, which leads to issues with advocacy and enforcement of their rights.

Drawing from global models, India can strengthen elder welfare by introducing mandatory reporting, creating an Elder Abuse Registry linked to employment and justice systems, and appointing a National Commissioner for Elder Rights. Integrating elder welfare into broader rights-based laws would promote a holistic approach. While the MWPSA Act, 2007 is commendable, its implementation must shift to a preventive, rights-based, and institutionalised framework.

VIII. CONCLUSION, REFORMATIVE SUGGESTIONS AND WAY FORWARD

The study reviews the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, highlighting its noble intent but poor implementation due to lack of awareness, weak infrastructure, ineffective enforcement, and poor integration with the criminal justice system. Elder abuse remains underreported and poorly addressed, despite positive judicial interventions.

²⁶ Hudson, Bob. "Commissioning for change: A new model for commissioning adult social care in England." *Critical Social Policy* 39, no. 3 (2019): 413-433.

²⁷ Williams, Pamela A. *Ageism on Trial: Examining the Relationships Between Prosecutor Characteristics, Professional Practices, and Behavior Towards Older Adult Victims*. Widener University, 2016.

²⁸ Ellis, Julie M., and Anna Howe. "The role of sanctions in Australia's residential aged care quality assurance system." *International Journal for Quality in Health Care* 22, no. 6 (2010): 452-460.

²⁹ Rowat, Donald C. "An ombudsman scheme for Canada." *Canadian Journal of Economics and Political Science/Revue canadienne de economiques et science politique* 28, no. 4 (1962): 543-556.

India urgently needs legal and societal reforms as the senior citizen population rises. Traditional family protection is weakening, requiring a formal legal framework to ensure that elder welfare is treated as a human rights and dignity issue, not just maintenance.

The constitutional guarantee of dignity under Article 21 cannot be realized if seniors face abandonment and exploitation. True dignity must include emotional security, social inclusion, and legal empowerment, driven by coordinated action from the state, society, and families.

India's criminal justice system lacks a senior citizen-sensitive approach. Elder abuse cases often fall through procedural gaps. A reformed system should prioritize elders with special investigation cells, fast-track courts, and restorative justice options.

A comprehensive, standalone elder justice law is needed, covering maintenance, abuse protection, healthcare, legal aid, and grievance redressal. It should define and penalize different types of elder abuse, aligning with international best practices.

Maintenance Tribunals require autonomy, trained personnel, and enforcement powers like property attachment and arrests. They should be supported by legal advisors and conciliation officers skilled in elder-sensitive dispute resolution.

Technology should be leveraged to support elder justice, including a dedicated portal/app for complaints, case tracking, and legal aid, integrated with Digital India and public grievance platforms. Police, judicial officers, healthcare workers, and grassroots institutions must receive regular training on elder rights and handling elder abuse cases sensitively, ensuring protection begins at the community level.

The MWPSC Act should be amended to align with the Bharatiya Nyaya Sanhita, 2023, adding criminal penalties for elder neglect and fraud. Victim protection measures like private hearings and swift investigations must be incorporated.

Together, these reforms will strengthen India's legal framework for elder welfare, affirming its commitment to intergenerational equity, human rights, and constitutional justice.