

Critical Analysis of Senior Citizens

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Abstract :

Old age is the most vulnerable phase of human life cycle. It is at this phase that the elderly requires maximum care and protection. When it comes to India, there was no specific law protecting the rights of senior citizens before 2007. They were able to claim maintenance and protection against physical torture and mental abuses under the umbrella of multiple generic legislations, such as personal laws, Code of Civil Procedure 1908, Indian Penal Code 1860, and the Protection of Women from Domestic Violence Act 2005 and under the Fundamental Rights mentioned under Part III of our Indian Constitution. But after the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act 2007, elderly can now claim protection and maintenance through this single piece of legislation. The lacuna lies in the huge gap which is created between the Act and its practical implementation. By critically analyzing the provisions of the existing legislations and on the basis of empirical data collected from the Tribunal established under the said Act, it has been inferred that the Rights of the Senior Citizens are not taken seriously. Hence, a list of recommendations is proposed which may bring an effective implementation of laws for protecting the basic human rights of the Senior citizens

Introduction

The Sanskrit versus of “Matru Devo Bhav”¹ and “Pitru Devo Bhav” from Taittiriya Upanishad derives its roots from the ancient Indian Vedic era. According to which the parents were placed at a very high position by giving them the status of living Gods and Goddesses. These were considered as a philosophical advice on morals and ethics for the students who graduated from Gurukuls

Old age of parents is an unstoppable phase in the natural life cycle which every human being has to pass through. It brings along several challenges and different thinking and living patterns which becomes in conflict with the younger generations. This generation gap raises their possibility of being mistreated and neglected. They are denied proper food and medication by the members of their own family. Sometimes they are forced to sign the property papers, thrown out of their own houses and even disowned by their own children. This gives rise to physical, verbal, financial and psychological abuse, which leaves them in a very helpless situation. This situation can be best viewed through the lens of Routine activity theory of victimization, according to which the weak circumstances of the victim makes them vulnerable to abuses.

Many international documents and the national legislations of some foreign countries use varied terminologies like “older persons”, “third age”, “aged persons”, “elderly”, “the aged”, “seniors” for referring to ‘senior citizens. In India, we use the term ‘Senior Citizen’ defined under section 2(h) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as “Any person being a citizen of India, who has attained the age of 60 years or above.”

The Maintenance and Welfare of Parents & Senior Citizens (Amendment) Bill, 2018 amending the 2007 Act has been proposed. Even though the bill seeks to broaden the objective of the act and tries to overcome the lacunas, the issue still remains the same. Hence there is need to critically analyze and study the legislations, its implementations and its effectiveness

Socio-Economic and Cultural Context of Elder Rights

Social Challenges: Over the period of time it has been observed that the life expectancy of human beings has increased. People above sixty five years of age are living longer and hence they even require greater input of care and needs which include healthcare, food, clothing, shelter etc.⁶ Some of the social challenges are lack of proper health care, lack of infrastructure, changing family patterns, lack of social support, social inequality etc. • **Health:** It is very important to recognize the relation between health state and social state while discussing about social challenges, as they go hand in hand. For an independent life, an elderly has to possess basic skills for their daily living, so that they are capable of undertaking some social activities and are also able to perform their domestic and personal tasks. Deterioration of the elderly occurs at three phases- first is in case of sociability, second with the inability to carry out domestic work and lastly with the failure to do personal tasks. With the increasing age gradual attack of chronic disease takes place and it is not always possible to reverse the back the health into its previous condition perfectly. Some elders have to completely rely upon the regular consumption of medicine till they die. These health problems make them psychologically, socially and functionally disable. When it comes to social disabilities, it affects the family bond and relationships which becomes worse in when the burden goes on the single earning member of the nuclear families.

Now when it comes to the managing of old age care homes, the number of physiotherapists, medical suppliers and nursing agencies for elderly are very less and are unorganized to provide even the basic or optimal care. The concept of geriatric care also remains a neglected area in India as the physicians have very little knowledge of the functional implications of ageing of the human beings. There are very few training institutions for geriatrics course and even less care takers with no governmental facilities. And whatever facilities of counseling, old age homes, recreational centers exist, become unaffordable for the majority of the poor elderly population. • **Lack of infrastructure:** There has been an increasing rate of longevity of sufferings by the senior citizens because of ailments and chronic diseases. There is need to have better accessibility of physical infrastructure in the upcoming years. Due to the lack of proper infrastructure, senior citizens are not getting enough comfort as much is required by them. Proper physical infrastructure is not only required at home but also at public places. If there are no decent infrastructure the chronic disease of the senior citizens might go unattended. Some other issues include overcrowding of care homes and facilities, poor quality and insufficient focus on elderly care.⁸ • **Changing family pattern:** Indian tradition since ancient times is based upon joint family system, which played a very vital role in safeguarding and protecting the elderly from social, physical and psychological abuses. Showing respect and care towards the elderly is a traditional norm and value of our society. But with the emerging trend there has been a shift towards the nuclear family system in recent years. As a result of which senior citizens are getting more exposed to economical physical and emotional abuses. Hence, with the modernization the elderly care by the family is likely to decrease even more in future. • **Lack of social support:** Its well accepted fact that the elderly is the most vulnerable population as the government of India is not ready to spend upon their social security system. In urban domestic houses a caretaker is hired to look after the elderly, but in villages and poor families the situation is even worse. These senior citizens are unhappy, isolated, lonely and consider themselves a burden to their family as they become more sensitive by the growing age.⁹ • **Social inequality:** The populations of elderly are mostly heterogeneous with rural and urban divide. Elderly in rural areas are not as vulnerable if compared to under elderly, because the rural community of India still follows the values and norms of the joint family system. Again, the issue is that the elderly problems are not uniform throughout as there is classification of these citizens on the basis of caste and many other cultural and social dimensions. Inequality exists even in case of gender as the elderly women are poorer than an elderly man despite having the greater percentage of education.

Economic Impediments

Elderly populations of our Indian society are fully or partially dependent upon their family members for their economic needs and well-being. When it comes to female, situations are even worse. One of the most challenging factors is poverty, as it acts as a multiplier and raises the chances of the elder abuse.¹¹ Because of financial dependence upon the family members the pressure of responsibility has caused the breakups of joint family systems, insufficient housing, economic hardship and lack of proper health care.

Another issue arise with the age is retirement. Once a person reaches the age of sixty years, he faces compulsorily retirement even if he is fit and wishes to work. Retirement means losing the source of income. This is one of the reasons because of which the elder parents become dependent upon them for economic security. However, there are option of various postretirement benefit schemes for the retired senior citizens, but the amount given as pension may not be always sufficient enough for their medical expenditure and daily living.

Cultural Ramifications

After the influence of modern culture, the Indian population has deviated from its old age tradition which imposes a duty upon the children to take care and look after their parents. Industrialization, urbanization and modernization have made the adult children to move to rural area from urban areas, which have led to the changes in family patterns. The elderly are not ready to leave their ancestral house situated in the rural area, but their children have to leave and settle in cities for the purpose of employment. Because of the above situation the elderly in India are not guaranteed power, care and prestige in the family and hence they are forced to adjust which becomes stressful for them. Sometimes cultural norms of keeping problems within the family, face-shaving, shame etc also causes psychological abuse as they lose their confidence. In order to deal with this getting involved in the cultural and recreational activities helps the elders to get back their confidence. The major cultural stigma is that an elder cannot leak out or talk about in the society about the instances of their victimization. They find it against the principle to complain against their own children and family members as there is some amount of emotional bond attached to it despite being victimized. There is need to get rid of this cultural Indian stigma from the society so that the voice of the elderly may not go unheard

Cultural Practices

Other dimensions of cultural causes are some anti-elderly tradition followed in various communities of India. These traditions are in line of involuntary euthanasia.

Thalaikkooththal

Thalaikkooththal is a practice of killing the elderly or senicide in the state of Tamil Nadu. It is mainly practiced in some of the southern districts of the state. Even though this practice is illegal in India but this practice is socially and culturally accepted in the state.¹² Early morning the elderly is given an oil bath after which they are made to drink so much of tender coconut water. This cause high fever, renal failure, fits etc and results in the death of the person in one or two days.¹³ It also involves the techniques of head massage which lowers the body temperature and subsequently causes heart failure. According to the 'milk therapy' technique, the nose of the elderly is plugged and then they are force fed the cow milk leading to difficulty in breathing. In certain cases, poison is used instead of milk.

Sallekhana

This religious practice is followed by the Jain community in India. It is considered as one of the five vows of the ethical code of conduct for the Jainism religion. It is practice of reducing the intake of food or fasting till they die. Here right to life comes in conflict to the freedom of religion.

Both the above practices are not legal as it attacks the fundamental right to life of a human being. It becomes a controversial issue because it forms the part of long practiced tradition or culture of the communities.

Legal Perspective

Theories

Elder abuse can be viewed through the lens of two major theories, which deals addresses the reason behind the elder population becoming easy targets and reason for their vulnerability.

Maslow's Theory

Maslow's Hierarchy of Needs is a psychological theory that proposes human beings have different levels of needs, which must be fulfilled in a particular order for a person to reach their full potential.

For senior citizens, Maslow's theory can be applied as follows:

1. Physiological needs: Ensuring access to healthcare, nutrition, and comfortable living conditions.
2. Safety needs: Providing a sense of security, stability, and protection.
3. Love and belonging needs: Fostering social connections, relationships, and a sense of community.
4. Esteem needs: Promoting self-esteem, recognition, and respect.
5. Self-actualization needs: Encouraging personal growth, purpose, and fulfillment.

Routine Activity Theory

Routine Activity Theory (RAT) is a criminological framework that explains how crimes occur when three elements converge:

1. Motivated offender
2. Suitable target
3. Lack of capable guardianship

Applying RAT to senior citizens can help understand and prevent elder abuse, neglect, or exploitation. Key considerations:

1. Vulnerability: Seniors may be more susceptible to abuse due to physical or cognitive decline.
2. Social isolation: Lack of social connections can increase vulnerability.
3. Guardianship: Caregivers, family, and community members can play a crucial role in protecting seniors.

Strategies to apply RAT:

1. Increase guardianship: Regular visits, monitoring, and support.
2. Reduce vulnerability: Education, empowerment, and access to resources.
3. Identify potential offenders: Screening caregivers, monitoring for signs of abuse.

Rights of the Elderly

Senior citizens are one of those targeted group that suffers from atrocities. When the whole world is busy giving importance to the 'Human Rights', it is to be noted that these human rights can be claimed from the time even before a person is born and extends till the death of that person. Problem becomes vital when people fail to understand and recognize that these senior citizens are also covered under the canopy of fundamental human rights. This is how they become the ignored population of human beings. In light of this there is a need to understand the following human rights as seen solely from the perspective the senior citizens

Right to Life

When the senior citizens become subjected to abuse and neglect, they suffer atrocities to such extent that it leads to their deaths. Such deaths may or may not be direct. Hence it is important to mention here the controversial issue of euthanasia, which involves an act of killing the older persons so that they don't suffer from diseases and ailments for a longer period of time. Euthanasia can be both passive and active. Passive Euthanasia can be considered legal to some extent as it only involves the removal or omission of life support equipment's (which keeps the person alive) and letting him/her die. Whereas, active euthanasia is not recognized by most of the countries and it involves some external methods or an act of intentional painless killing method. Another aspect which has to be understood in light to 'Right to life' is that it does not mean mere human existence. But it includes within its ambit right to live life with dignity, right to shelter and most importantly right to health.

Freedom from Torture and Inhuman Treatment

When it comes to senior citizens, it cannot be clearly stated as to what would constitute 'inhuman treatment' and 'torture'. Vulnerability level is high when it comes to old age rather than other age group of people. For example: if a senior citizen is denied meals for a day, he might suffer some serious health issues than the other age group people, who might not be so seriously affected. Hence the concept of inhuman treatment and torture can be seen from the perspective of abuses which they experience, which includes lack of medical and health care, malnutrition. It can even be abuses of psychological nature such as humiliation and intimidation, sexual abuse or forcibly sending to old age homes etc.

Right to Privacy

Violation of privacy rights of the senior citizens can be seen in different aspects. At the old age homes or in hospitals the physical privacy of the senior citizens gets violated as they are partially dressed and kept in the open ward. They are even shifted from one ward to another in their half naked conditions. Their activities are even continuously monitored by cameras.

Freedom from Arbitrary Detention

Arbitrary detention mostly takes place when the senior citizens are forced to stay at the old age home against their will despite having a residential home. It cannot be denied that there are legitimate cases and reasons to send them to care homes, but it obstructs their freedom from detention, hence violating their rights. Sometimes in order to curb the voices of the senior citizens who suffer abuses, they are confined or forced to stay at the four walls of the houses so that they have least contact with the outside world, to save the other members of the houses from being defamed.

Right to Family Life

Right to family life of an elder would mean right to stay and enjoy the company of his/her wife/husband, children and grandchildren. Problem arises when they are separated from their family members either because of an ongoing medical treatment in some other city or because of the source of earning of the children is situated in some other countries. Sometimes the children adopt the idea of sharing the responsibility of their elderly parents by taking care of just one parent. This causes the separation of elderly couples as in most of the cases their children work in the different city or reside at different locations.

Right to Fair and Speedy Judicial Determination

Whenever there are allegations against an old person or if an old person goes on to file a case. It becomes the responsibility of the judicial wing to give fair and speedy hearing to them, by taking into account their age and health factor.

Human Rights are those basic rights which are universal in nature and are inherent to a human being by birth. Such right extends till the last day of the human life in all aspects ie, civil, political, social, cultural and economic sphere. These rights cannot be taken away by anyone or by any means. Elderly population also forms the part of these rights. In 1948, for the first-time nations came up with a comprehensive human rights' statement of Universal Declaration of Human Rights (UDHR) which was adopted by United Nations General Assembly. Even though it didn't state specifically about the elderly rights, but a core idea of human rights was set out through Article 120. Later on, in 1966, International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR) were adopted by the United Nations General Assembly. In 1979 an international treaty on protection women from all forms of discrimination was adopted by the United Nations general Assembly. Article 11(1)(e)21 of the Conventions on the Elimination of All forms of Discrimination against Women (CEDAW) mentions 'age' as the prohibited grounds of discrimination.

The very first international document on ageing was created by the 1st World Assembly on Ageing in 1982, which is known as 'Vienna International Plan of Action on Ageing'. The United Nations General Assembly later endorsed it through resolution 37/51. It focuses and outlines the principles and recommendations on Social welfare, income security, family and health.²²

After 40 years of Universal Declaration on Human Rights (UDHR), in 1991 'United Nations Principles on Older Persons'²³ were formulated; that covered the guidelines on independence, dignity and care of the older people. But this document is not binding in nature.

After a decade in 2002, 'Madrid International Plan of Action on Ageing' (MIPAA) was adopted by the Second World Assembly; which for the first time integrated the Social and economic development with the Rights of the older people. In addition to this there is also a General Comment No. 6 on International Covenant on Economic, Social and Cultural Rights (ICESCR) which guides the applicability of the laws and provides overall protection to the older people.

On 13th December 2006, Convention on the Rights of the Person with Disabilities (CRPD) was adopted. This convention deals specifically with the elderly women with disabilities. But the major issue is to what extent old age can be considered as a facet of disability. There is a need to come out of the traditional notion of disability which covers only physical or mental impairments

The major problem with all the above international declarations and conventions are that they are not binding. This means despite being the signatory to the international documents, it is left upon the nations to implement it as a part of domestic law or not. Even if a Nation fails to imbibe such law, there is no stringent enforcement authority to impose such laws. Hence, these are considered as a soft international law.

National

The Constitution of India, 1950

Article 2125 which talks about fundamental Right to life and Personal Liberty inherently contains right to live Life with dignity. This right includes basic rights to food, shelter, clothing and decent standard of living for every citizen of India. Hence it cannot be denied that an older person also forms the part of human population and therefore has the right to quality life and dignity.

Article 41 and Article 46 under Part IV of the Constitution of India are the directives to the State to protect the Fundamental Rights of the people. Article 41 says that it is the right of a citizen to receive public assistance in the case of old age, sickness and disablement. Another Article 46 talks about protecting the economic interests of the weaker sections, where weaker sections impliedly include senior citizens. Even though these Directive Principles of State Policies are not binding or enforceable by law²⁶, but the state has

a positive duty to frame policies for the protection of Senior citizens as these directives play a fundamental role in the governance of the country.

Under these Articles, the Ministry of Social Justice and Empowerment launched the National Policy for Older people, 1999 to help the senior citizens with respect to health care, tax exemption, pension scheme, land grants, setting welfare funds, counseling facilities etc. Various steps taken under this policy can be summarized as follows:

- ◆ ‘Annapurna Scheme’ was launched for those elderly who were unable to take care of themselves. As per this scheme the destitute elderly will be given ten kilogram of free rice or wheat through the public distribution system.
- ◆ Establishing ‘pension fund’ for those who were serving unorganized sector.
- ◆ Setting up of re-employment centers for the people above the age of sixty years.
- ◆ Providing air and rail tickets at concessional rates for senior citizens.
- ◆ Section 88 B, 88 D and 88 DB of the Income Tax Act 1961 provides exemption in tax rates for senior citizens
- ◆ In order to provide benefit to the Elderly citizens, life insurance Corporation has come up with various schemes such as- Medical Insurance Yojna, Jeevan Akshay Yojna, Jeevan Dhara Yojna, Senior Citizen Unit Yojna etc.

Some other schemes protecting the rights of senior citizens launched were, Scheme of Integrated Programme for Older Persons (IPOP), Indira Gandhi National Old Age Pension Scheme (IGNOAPS) and National Programme for the Health Care for the Elderly (NPHCE).

Personal Laws

Our personal law addresses the concept of financial assistance to the elderly. Hindu Adoption and Maintenance Act, 1956 is one of the first personal law statute imposing the duty upon the children. Section 20 of the 1956 Act provides a mandate to maintain their aged parents. It not only imposes the duty upon the son, but also upon the daughters if their parents are unable to maintain themselves financially

According to Mulla, children must maintain their old parents even if the parents are capable of earning for themselves. If the mother is poor but not infirm, then also the son has the duty to maintain her even if the circumstances are strained. A poor son is also bound to look after his father who doesn't earn anything. Under Shia Law, grandparents should be treated at par with the parents and should be given equal quantum of maintenance.

Other Legislations

Section 125 of Code of Criminal Procedure is a generic provision for claiming maintenance irrespective of religion, caste or age. If a person refuses to maintain or neglects his or her parents, then the first-class Magistrate can pass an order directing the payment of monthly maintenance allowance. If the person fails to comply with or breaches the order of the Magistrate, then the Magistrate may pass an imprisonment order of one month or till the payment of the maintenance amount, whichever is earlier.²⁹ While dealing with the context of senior citizens this section addresses only the maintenance aspect. There are various other facets to the elderly problem which includes protection from abuse, social security etc.

Indian Penal Code 1860 is another generic legislation which penalizes majorly physical abuse, without discriminating on the ground of age, caste, religion, gender etc. On the other hand, there is also a gender biased Act- The Protection of Women from Domestic Violence Act, 2005 which protects only the elderly women from financial, mental and physical abuses. Both the laws focus only upon the abuse and assault of

the citizens and do not deal with the specific provisions in regard to the protection and maintenance of senior citizens.

A recent concept of 'Reverse Mortgage Scheme 2008' was introduced by the National Housing Bank (NHB)³⁰ for senior citizens in 2007 budget speech. This scheme provides benefits to the Senior Citizen. Under this, the senior citizens who are the homeowners can mortgage their property to the financial institutions and receive periodical payments from the bank for their daily means of livelihood.³¹ And after the death of the senior citizen the property can be transferred in the hands of the children and their family or legal heirs. The amount so received as collateral is not taxable as it is considered as a loan amount. Compared to other countries, this scheme has not been so successful in India because the senior citizens are so attached to their ancestral family house that they are not ready to mortgage it. As a part of Indian culture, they consider it as a family asset which is intended to be inherited by the future generations. The other reasons of failure of this scheme are lack of awareness, lengthy and tedious documentation procedure etc.

Analysis of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

For the first time in 2007 the Indian legislature came up with a separate central legislation enacted under Article 41³² and Entry 23³³ of Concurrent Lists solely dealing with the protection of the Rights of the Senior Citizens. The legislation is based upon the "Himachal Pradesh Maintenance of Parents and Dependents Act, 2001" enacted by the state of Himachal Pradesh. The Standing Committee on Social Justice and Empowerment through twenty-eighth report expressed the need for enactment of the said law³⁴. This enactment establishes an inexpensive, speedy and simple mechanism for the protection of the rights of the senior citizens. After being passed by both the houses the Bill received an assent from the President of India on 29th December 2007 and was published in the official gazette on 31st December 2007. Some states have already implemented the Act, which some are yet to implement and make rules.

The Act imposes a legal duty upon the heirs and children of the senior citizens to provide them maintenance. It also imposes duty upon the state government for the establishment of old age homes. Under this Act senior citizens or the parents can apply before the tribunal for claiming monthly allowance from their own children or legal heirs.

Section 2(a) of the Act defines 'children' as son, daughter, grand-son and grand-daughter. This means it only includes biological children and grandchildren. Various instances have been reported before the court where the parents or senior citizens are being ill-treated by the daughter-in-law, son-in-laws or by adoptive children and they are able to escape from the hands of law due to this lacuna.

The definition of 'maintenance' is outlined under section 2(b), which includes only basic necessities such as food, shelter, clothing and medical aid. But it fails to address the aspect of safety and security of the senior citizens or parents.

Section 2(g) defines 'relative' as a person who is in possession of the property or would inherit the property after the death of the childless senior citizen. As we know that the wills can be changed, then in such cases how would a person determine the heir of the property after the death of the senior citizen?

Constitution and establishment of Maintenance Tribunal at every sub-division is dealt under section 7 of the Act, where the Tribunal will exercise all the powers of a civil court. Before entertaining an application, the dispute may be referred to a conciliating officer for amicability settling the dispute within a span of one month. The application before the tribunal should be disposed off with a maximum period of ninety days. An appeal can be filed before the appellate tribunal set up by the state government and has to be disposed off within one month under section 16.

Section 9(2) fixes the maximum maintenance allowance as rupees ten thousand per month, which may be ordered by the tribunal. Many a times this amount may not be sufficient for a decent standard of living of the elderly, for example- if their medical or other expenditures are higher. In some cases where the parents or

senior citizens have lived luxuriously or have lived a very high standard of living throughout their lives then in such cases it may not be possible for them to suffice with this minimal amount.

A very important provision regarding legal representation is laid down under section 17 of the Act. It states that parties should not be represented by a legal practitioner. The idea behind this clause is to save the parties from expensive litigation charges. But practically, considering the age and health factor of the old citizens, it will not be possible for them to approach the tribunal by themselves. The language of the section is unclear as to who can make the representation on behalf of the senior citizens.

In order to provide protection to the life and property of the senior citizens section 21 imposes duty upon the state government to undertake certain measures for publicizing the provisions of the act to make senior citizens aware. Section 23 states that the tribunal has the power to declare the transfer of property of the senior citizens void, if their children or heir fail to provide them with the basic amenities and care. Chapter VI of the Act deals with the offences and penalties. If a person fails to pay the monthly allowance fee, he shall be imprisoned for one month or till the date of payment of the maintenance fee whichever is earlier. In case of abandoning the parents or senior citizens a fine of rupees five thousand or imprisonment up to three months or both can be imposed upon the accused.

The Act fails to address the situation if the senior citizen does not have any property or children. And even if they have children, then to what extent it is likely that they will file a maintenance case before the court of law against their own children. In order to cure the above defects a draft bill has been proposed by the Ministry of Social Justice and empowerment in 2018. But it's yet to be introduced in the Parliament. Brief summary of the proposals mentioned in the draft bill are as follows:

- ◆ Removal of the cap limits of rupees ten thousand per month as the maintenance allowance
- ◆ Inclusion of adoptive children, minors through guardian, daughter in law and son in law within the definition of 'children' under section 2(a)
- ◆ Bill proposes to include 'safety and security' of parents and senior citizens within the definition of 'maintenance'
- ◆ The jail term for abandoning and abusing parents has been proposed to be increased from three months to six months

Nationality of the Parent

A very important issue was addressed by the High Court of Punjab and Haryana at Chandigarh about the nationality of the senior parent or senior citizens. As per the requirement of the 2007 Act the parent has to be a 'citizen of India' in order to fall within the definition of "senior citizen". In the present case, the parent was a citizen of India who had acquired the U.S. citizenship. But now as he wishes to settle back in India after retirement, he got registered himself as the 'Overseas Citizen of India'. He had filed for the recovery of possession of property under 2007 Act. The Court held that a parent would be entitled to get the benefit under 2007 Act irrespective of his age and nationality as the main object and idea of the act is to protect the rights of the parents and senior citizens.⁴²

Eviction of Daughter-in-law under the 2007 Act.

In the case of *Darshna v. Govt. of NCT of Delhi* Ors.⁴³ the lacuna of the 2007 Act was taken as a defense by the appellant. She contended that she cannot be asked to vacate the property of the in-laws on the ground of abuse and physical violence under the 2007 Act. The Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules 2016 gives permission for eviction of son, daughter or legal heirs, and does not deal with the eviction of daughter-in-law. The High court rejected her contention and held that a "Women cannot stay at in-laws house if she maltreats them."

The judiciary has been playing an activist role when it comes to the social and welfare aspect of the citizens. Till date majority of the judgments have been passed in favor of the rights of the elderly

Conclusion :

The plight of senior citizens in India reflects a paradox between well-intentioned legislation and its weak implementation. Despite constitutional safeguards, welfare schemes, and the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the elderly continue to suffer from neglect, abuse, and social isolation. Deep-rooted socio-economic challenges, changing family structures, and cultural stigmas have further aggravated their vulnerability.

Strengthening the rights of senior citizens therefore requires more than just statutory provisions—it demands effective enforcement, awareness, and a cultural shift in attitudes. The state must invest in healthcare, infrastructure, and social security while families and communities must revive values of dignity, respect, and empathy towards the elderly. Only through a holistic approach, combining legal, social, and moral responsibility, can we ensure that the senior citizens of India live their final years with the dignity, security, and care they rightfully deserve.