
HUMAN RIGHTS OF OLDER PERSONS IN INDIA: ACCESSIBILITY CHALLENGES AND A DOCTRINAL ANALYSIS

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ABSTRACT

India is undergoing a profound demographic transition that is converting a predominantly young society into a rapidly ageing one. As the share of persons aged sixty and above advances towards one-fifth of the population by the middle of the century, the question of how the legal system secures the “basic human rights of older persons” acquires fresh urgency. This paper offers a doctrinal analysis of the constitutional, statutory, policy and judicial framework that governs the rights of older persons in India, situated against the international and comparative human rights architecture, and critically examines the structural barriers that obstruct the effective accessibility of those rights. “It contends that the principal challenge confronting elderly rights in India is not the absence of legal protections but the failure of existing institutions to ensure their effective accessibility and enforcement”. Tracing the constitutional anchorage of these rights in Articles 21, 41, 38, 39(e) and 14, and analysing “the Maintenance and Welfare of Parents and Senior Citizens Act”, 2007 alongside general maintenance law and the network of welfare policies, the paper identifies financial insecurity, healthcare deficits, elder abuse, ageism, weak implementation, the feminisation of ageing and growing digital exclusion as the principal obstacles to rights-realisation. It concludes by proposing a dedicated, rights-based statutory and institutional response, including a comprehensive “Elder Rights Act” and a “National Commission for Older Persons”, capable of recognising older persons as autonomous rights-holders rather than as passive objects of welfare.

Keywords: Older Persons, Human Rights, Senior Citizens Act, Article 21, Ageism, Rights Based Framework.

I. Introduction

India stands at a demographic inflection point. The familiar narrative of a young India reaping a demographic dividend conceals a quieter and irreversible transition, namely the steady ageing of its population.¹ As of 2022, an estimated 149 million Indians, approximately 10.5 per cent of the population, were aged sixty years or above, and that share is projected to double to 20.8 per cent, or roughly 347 million persons, by 2050. By 2046, for the first time in the nation's recorded demographic history, older persons are expected to outnumber children below the age of fifteen.²

This transition is not a distant statistical abstraction. It reshapes the demands placed upon “the family, the market and the State, and it tests the constitutional promise that every person shall live with dignity.”³ Older persons are bearers of the entire spectrum of human rights, civil, political, economic, social and cultural”.⁴ Yet the experience of ageing in India is increasingly defined by a widening distance between the rights guaranteed on paper and the rights that are actually accessible in practice. Financial dependence, fragile health, social isolation and, in too many cases, neglect and outright abuse characterize the daily lives of a significant proportion of the elderly.

Existing scholarship has tended to examine elderly welfare, maintenance obligations and social security mechanisms in isolation from one another.⁵ Comparatively little attention has been paid to the broader and integrative question of the accessibility of human rights by older persons across the constitutional, statutory and policy framework taken as a whole. This paper seeks to address that gap. It first sketches the demographic backdrop, then situates the rights of older persons within the international and comparative human rights architecture and the constitutional scheme, before turning to the statutory and policy framework, the judicial response, the principal barriers to accessibility, and a concrete programme of rights-based reform. The argument throughout is that the deficiency to be remedied is one of rights-

¹UNFPA & International Institute for Population Sciences, India Ageing Report 2023: Caring for Our Elders – Institutional Responses (UNFPA India 2023).

²Ibid. The Report places the elderly at 149 million (10.5 per cent) in 2022, projected to reach 20.8 per cent (about 347 million) by 2050, with older persons expected to outnumber children aged 0–14 by 2046.

³Maneka Gandhi v. Union of India (1978) 1 SCC 248, which inaugurated the expansive reading of Article 21 from which the right to live with dignity has since been developed.

⁴On the recognition that older persons retain the full complement of civil, political, economic, social and cultural rights, see the international framework discussed in Part III.A below.

⁵This fragmentation is reflected in the separate treatment of maintenance, welfare and social security across the principal instruments examined in Parts IV.A and IV.C below.

realisation rather than of formal entitlement.⁶

II. The Demographic Imperative: Ageing in India

The empirical foundation for any serious engagement with elderly rights in India is supplied by “the India Ageing Report 2023, prepared by the United Nations Population Fund in collaboration with the International Institute for Population Sciences”. The Report confirms that India's ageing is occurring far more quickly than in most developed nations, which had the advantage of ageing gradually and after attaining prosperity. India, by contrast, “faces the prospect of growing old before it has grown rich. The population aged eighty and above is projected to expand by close to 279 per cent between 2022 and 2050, with a marked predominance of widowed and highly dependent very old women”.⁷

The economic vulnerability of the ageing cohort is equally striking. More than two-fifths of older persons in India belong to the poorest wealth quintile, and almost one in five lives without any independent income. The Report also documents a pronounced regional asymmetry, with the southern States ageing considerably faster than the northern ones, a divide that complicates any uniform national response.⁸ These findings are corroborated by the Longitudinal Ageing Study in India,⁹ and by official statistical compilations on the elderly,¹⁰ which together portray a population that is simultaneously growing in number, feminizing in composition and concentrating in conditions of dependency. The legal system is thus called upon to respond not to a marginal social group but to a rapidly expanding constituency whose needs cut across maintenance, health, social security, housing and protection from abuse.

III. The Human Rights Framework

A. The International Architecture

“At the international level, the rights of older persons are protected not by a single dedicated

⁶The paper adopts a doctrinal method, analysing primary constitutional, statutory and international materials together with their judicial interpretation.

⁷Ibid. The population aged 80 and above is projected to grow by approximately 279 per cent between 2022 and 2050, with a predominance of widowed and highly dependent very old women.

⁸Ibid. More than 40 per cent of older persons fall within the poorest wealth quintile and about 18.7 per cent live without any income; the Report also documents a pronounced north–south divide, with the southern States ageing faster.

⁹IIPS & Ministry of Health and Family Welfare, Longitudinal Ageing Study in India (LASI) Wave 1, 2017–18 (IIPS 2020).

¹⁰Ministry of Statistics and Programme Implementation, Elderly in India 2021 (Government of India 2021).

instrument but by the general corpus of human rights law applied to the circumstances of ageing". "The Universal Declaration of Human Rights" recognises "the right to social security" and "to an adequate standard of living", "expressly including security in the event of old age".¹¹ "These guarantees are given binding force", "for States party", by "the International Covenant on Economic, Social and Cultural Rights", "whose provisions on social security, an adequate standard of living and the highest attainable standard of health are directly engaged by the situation of the elderly".¹²

"The most focused" soft-law instrument is the "United Nations Principles for Older Persons", which organizes the "entitlements of the aged around "independence", "participation", "care", "self-fulfillment" and "dignity".¹³ "The trajectory of international concern runs from the Vienna International Plan of Action on Ageing,¹⁴ through the more comprehensive Madrid International Plan of Action on Ageing,"¹⁵ to "the authoritative guidance of the Committee on Economic, Social and Cultural Rights, which has affirmed that older persons are full holders of the Covenant's rights".¹⁶ "Notwithstanding this accumulation of norms, there is as yet no legally binding global convention specifically devoted to the rights of older persons, and the relevant United Nations working group continues to deliberate on whether such an instrument is required.¹⁷ The Sustainable Development Goals, with their pledge to leave no one behind, supply a further normative anchor for the inclusion of the elderly".¹⁸

B. A Comparative Glance: Japan and Europe

Comparative experience illuminates what a more developed elder rights regime can look like. Japan, the world's most aged society, has built a comprehensive statutory and policy

¹¹Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) arts 22 and 25.

¹²International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, arts 9, 11 and 12. India acceded to the Covenant in 1979.

¹³United Nations Principles for Older Persons, UNGA Res 46/91 (16 December 1991).

¹⁴Vienna International Plan of Action on Ageing, World Assembly on Ageing (Vienna 1982), endorsed by UNGA Res 37/51.

¹⁵Madrid International Plan of Action on Ageing, Second World Assembly on Ageing (Madrid 2002).

¹⁶Committee on Economic, Social and Cultural Rights, General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons (1995) UN Doc E/1996/22.

¹⁷The UN Open-ended Working Group on Ageing, established by UNGA Res 65/182 (2010), continues to deliberate on whether a dedicated, legally binding convention on the rights of older persons is required; no such instrument yet exists.

¹⁸Transforming Our World: The 2030 Agenda for Sustainable Development, UNGA Res 70/1 (2015), notably SDGs 1, 3 and 10.

architecture around its “Basic Law on Measures for the Ageing Society”,¹⁹ and, most significantly, a “mandatory long-term care insurance scheme under which older persons” enjoy an assessed and enforceable entitlement to care rather than a discretionary welfare benefit.²⁰ The Japanese model is instructive precisely because it converts care from charity into entitlement, the very transition that India's framework has yet to make.

Europe offers a complementary, “explicitly rights-based template”. “The Revised European Social Charter recognises a distinct right of elderly persons to social protection”, and “the Charter of Fundamental Rights of the European Union affirms” “the right of the elderly to a life of dignity and independence”.²¹ At the regional level, “the Council of Europe has adopted a dedicated recommendation on the promotion of the human rights of older persons”, the first instrument of its kind”.²² “Neither model is directly transplantable”, but both “demonstrate that the recognition of older persons as autonomous rights-holders”, “backed by enforceable entitlements and dedicated institutions, is achievable and not merely aspirational”.

C. The Constitutional Foundations

Within the domestic order, “the rights of older persons are rooted first and foremost in Article 21 of the Constitution”.²³ “The Supreme Court has long held that the right to life” is not “confined to mere animal existence but extends to the right to live with human dignity and the bare necessities of life”.²⁴ “That understanding has since been deepened by the recognition of dignity and autonomy as intrinsic facets of the guarantee”,²⁵ and “extended, in the evolving dignity jurisprudence of the Court, to autonomy over decisions concerning one's own life and body”.²⁶ “Over four decades the expansive reading of Article 21 has, moreover, brought within its fold guarantees of direct relevance to the elderly: the right to livelihood,²⁷ and the right to

¹⁹Japan, Basic Law on Measures for the Ageing Society 1995 (Korei Shakai Taisaku Kihon Ho).

²⁰Japan, Long-Term Care Insurance Act 1997 (in force from April 2000), instituting a mandatory social-insurance scheme entitling older persons to assessed long-term care.

²¹European Social Charter (Revised) 1996, art 23; Charter of Fundamental Rights of the European Union (2000) art 25.

²²Council of Europe, Committee of Ministers, Recommendation CM/Rec(2014)2 on the promotion of the human rights of older persons.

²³Constitution of India, art 21.

²⁴Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 1 SCC 608.

²⁵Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1.

²⁶Common Cause v. Union of India (2018) 5 SCC 1, recognising dignity and autonomy in decisions concerning one's own life and bodily integrity.

²⁷Olga Tellis v. Bombay Municipal Corporation (1985) 3 SCC 545, holding the right to livelihood to be an integral facet of the right to life under art 21.

health and to medical care, including the State's obligation to provide timely treatment”,²⁸ which “together supply a constitutional foundation for an older person's claim to subsistence and to healthcare”. This jurisprudence is of particular significance for a cohort whose dignity and autonomy are most frequently compromised by dependence, neglect and institutionalization.

Article 21 does not stand alone. “Among the Directive Principles, Article 41 constitutes the clearest constitutional recognition of old age as a category warranting affirmative State protection”, “enjoining the State, within the limits of its economic capacity, to make effective provision for public assistance in cases of old age, sickness and disablement”.²⁹ “Articles 38 and 39(e) reinforce this commitment by directing the State to promote a social order that minimizes inequalities and to protect citizens against circumstances unsuited to their age and strength”.³⁰ The equality guarantee of Article 14 supplies a further dimension: beyond prohibiting arbitrary classification, it may serve as a constitutional basis for challenging arbitrary age-based exclusions in public policy and welfare administration.³¹ “Although the Directive Principles are not by themselves enforceable, the settled practice of reading them into the fundamental rights has enabled courts to treat the welfare of the elderly as an integral component of the right to a dignified life”.

IV. The Statutory and Policy Architecture

A. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

“The principal statutory expression of these constitutional commitments is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.³² The Act creates a simple, speedy and inexpensive mechanism through which a senior citizen or parent unable to maintain themselves may claim a monthly allowance from children or relatives”. Applications are decided by Maintenance Tribunals headed by a designated officer, with an appellate tier above them.³³

²⁸Consumer Education and Research Centre v. Union of India (1995) 3 SCC 42, recognising the right to health and medical care as part of art 21; Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) 4 SCC 37, holding that the State is under a constitutional obligation to provide adequate and timely medical treatment.

²⁹Constitution of India, art 41.

³⁰Constitution of India, arts 38 and 39(e). Being Directive Principles under Part IV, these are not directly enforceable but are fundamental to governance.

³¹Constitution of India, art 14.

³²The Maintenance and Welfare of Parents and Senior Citizens Act 2007 (Act 56 of 2007), which received the President's assent on 29 December 2007.

³³Ibid, ss 4 and 5 (application for maintenance) and s 7 (constitution of Maintenance Tribunals).

“The Act, as it stands, caps the maximum maintenance allowance at ten thousand rupees per month”,³⁴ a ceiling widely regarded as inadequate. “Beyond maintenance, the Act obliges State Governments to establish old age homes, to ensure medical support, to protect the life and property of senior citizens”, and “to render voidable certain transfers of property made on a condition of care that is subsequently denied”.³⁵

The recognised shortcomings of the 2007 Act prompted a reform effort in the form of an Amendment Bill, which sought to broaden the definitions of children and parents, to remove the monetary ceiling, to elevate the statutory standard from a 'normal life' to a 'life of dignity', and to strengthen protection through dedicated nodal police officers and special police units.³⁶ The reform also attracted criticism, in particular the concern that the open-ended determination of maintenance had been entrusted to an administrative rather than a judicial officer. Crucially, the Bill has not been enacted, and the parent Act of 2007, ceiling included, continues to govern.³⁷

B. Maintenance under General Law

The 2007 Act operates alongside “the general law of maintenance. The Code of Criminal Procedure long provided a summary remedy obliging a person of sufficient means to maintain parents unable to maintain themselves, a provision now carried forward into the Bharatiya Nagarik Suraksha Sanhita, 2023”.³⁸ The Supreme Court has clarified that this obligation falls equally on sons and married daughters, rejecting any gendered limitation on the duty to support aged parents.³⁹ “Personal law supplies a parallel route, the “Adoptions and Maintenance Act, 1956 imposing a statutory duty to maintain aged or infirm parents”.⁴⁰ The cumulative effect is a multiplicity of overlapping remedies, valuable in principle but confusing in practice for an elderly claimant of limited means and awareness.

³⁴Ibid, s 9(2).

³⁵Ibid, s 19 (old age homes), s 20 (medical support), s 23 (voidability of certain transfers of property) and Chapter V (protection of life and property).

³⁶The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill 2019, introduced in the Lok Sabha on 11 December 2019.

³⁷PRS Legislative Research, Legislative Brief on the 2019 Amendment Bill. The Bill is yet to be enacted; the 2007 Act, with its ceiling, remains in force.

³⁸Code of Criminal Procedure 1973, s 125, now re-enacted as s 144 of the Bharatiya Nagarik Suraksha Sanhita 2023, which came into force on 1 July 2024.

³⁹Vijaya Manohar Arbat v. Kashirao Rajaram Sawai (1987) 2 SCC 278.

⁴⁰Hindu Adoptions and Maintenance Act 1956, s 20.

C. National Policies and Welfare Schemes

The legislative framework is supplemented by a layer of policy and programmatic measures. The National Policy on Older Persons, 1999 articulated the State's first comprehensive vision for the welfare of the aged,⁴¹ and a draft National Policy for Senior Citizens later sought to refresh that vision, although it was not formally adopted.⁴² On the ground, income support is channeled chiefly through the “Indira Gandhi National Old Age Pension Scheme”, whose central contribution has remained modest and largely unrevised;⁴³ healthcare is addressed through “the National Programme for Health Care of the Elderly”⁴⁴, and a cluster of further initiatives, including “the Rashtriya Vayoshri Yojana”, “the umbrella Atal Vayo Abhyuday Yojana”, “the national elder helpline” and “the SAGE” and “SACRED” initiatives, “target assistive devices”, “care services and livelihood opportunities”.⁴⁵ Taken together, these measures reflect a genuine policy commitment, but their fragmentation, uneven funding and limited reach blunt their practical impact.

V. The Judicial Response

“The judiciary has played a significant role in animating the statutory and constitutional guarantees. In public interest litigation concerning the conditions of the aged, the Supreme Court has issued directions to the Union and the States on the establishment and upkeep of old age homes and on the dignified treatment of the elderly, treating their welfare as an enforceable dimension of Article 21”.⁴⁶ The courts have also resolved tensions between the 2007 Act and other protective statutes, harmonizing the summary powers conferred by the Senior Citizens Act with the residence rights guaranteed to women under the domestic violence legislation, so that the protection of one vulnerable group is not purchased at the expense of another.⁴⁷

A substantial body of case law has developed around the voidability of property transfers under the Act. The Supreme Court initially cautioned that such transfers may be annulled only where they were made subject to a condition of maintenance which the transferee has thereafter

⁴¹Ministry of Social Justice and Empowerment, National Policy on Older Persons 1999.

⁴²Ministry of Social Justice and Empowerment, draft National Policy for Senior Citizens 2011.

⁴³Indira Gandhi National Old Age Pension Scheme under the National Social Assistance Programme.

⁴⁴National Programme for Health Care of the Elderly (NPHCE), launched in 2010.

⁴⁵Rashtriya Vayoshri Yojana 2017; the umbrella Atal Vayo Abhyuday Yojana (AVYAY); the elder helpline 'Elderline' (14567); and the SAGE and SACRED initiatives.

⁴⁶Ashwani Kumar v. Union of India, Writ Petition (Civil) No. 193 of 2016 (Supreme Court of India).

⁴⁷S. Vanitha v. Deputy Commissioner, Bengaluru Urban District (2021) 15 SCC 730.

refused to honour, thereby preventing the misuse of a welfare provision as a general instrument for the recovery of gifted property.⁴⁸ More recently, the Court has tempered that strictness, holding that the provision, being beneficial legislation, must receive a liberal construction in furtherance of the welfare and dignity of senior citizens, and that the authorities may not only declare a conditional transfer void but also order eviction and restore possession to the senior citizen.⁴⁹ This movement, from a narrow conditionality test towards a dignity-oriented, purposive reading, mirrors the broader constitutional turn towards substantive dignity and signals a judiciary increasingly willing to treat the protection of the elderly as a matter of right rather than of grace.

VI. Barriers to Accessibility: Challenges Faced by Older Persons

Notwithstanding this layered framework, “the basic human rights of older persons in India” remain difficult to access in practice. The first and most pervasive barrier is financial insecurity. With a large proportion of “the elderly in the poorest wealth quintile” and many without any independent income, the modest and largely unrevised pension support available is wholly insufficient to “guarantee an adequate standard of living”.⁵⁰ Economic dependence in turn erodes bargaining power within the family and heightens vulnerability to neglect.

The second barrier is the inadequacy of healthcare. Ageing is accompanied by a rising burden of chronic and degenerative illness, yet geriatric care in the public system remains thinly spread and unevenly available, and the dedicated national programme has not achieved comprehensive coverage.⁵¹ The third and especially troubling barrier is elder abuse. Official crime statistics record offences against senior citizens as a distinct category,⁵² and surveys by civil society have consistently documented that a substantial proportion of older persons experience abuse, most often at the hands of close family members, and that such abuse is heavily under-reported owing to shame, dependence and fear of reprisal.⁵³

A fourth barrier lies in the implementation deficit of the protective law itself. Awareness

⁴⁸*Sudesh Chhikara v. Ramti Devi*, 2022 SCC OnLine SC 1684, holding that a transfer is voidable under s 23 only where it was made subject to a condition of providing basic amenities which the transferee then fails to honour.

⁴⁹*Urmila Dixit v. Sunil Sharan Dixit*, 2025 INSC 20.

⁵⁰*India Ageing Report 2023* (n 1), documenting income insecurity and its impact on healthcare utilisation.

⁵¹*LASI Wave 1* (n 9), documenting the high burden of chronic morbidity among older persons and gaps in access to geriatric care.

⁵²National Crime Records Bureau, *Crime in India* (Government of India, annual), which records crimes against senior citizens as a distinct category, capturing only the reported fraction of a larger phenomenon.

⁵³*HelpAge India*, reports on elder abuse released around World Elder Abuse Awareness Day.

of the 2007 Act among its intended beneficiaries is low; Maintenance Tribunals are unevenly constituted and burdened; orders are difficult to enforce; and the persistence of the maintenance ceiling caps relief at an unrealistic level.⁵⁴ A fifth barrier is the feminization of ageing: “because women live longer and are more likely to be widowed”, “economically dependent and socially isolated”, “the very old in India are disproportionately women”, whose “distinctive vulnerabilities” the present framework does not specifically address.

A sixth barrier, frequently overlooked in legal analysis, is ageism. “Negative stereotypes, workplace exclusion, the social invisibility of the old and institutional indifference operate as a structural form of discrimination that the World Health Organization has identified as a pervasive determinant of poorer health and social exclusion for older persons”.⁵⁵ Ageism is doctrinally significant because it supplies the very kind of arbitrary, group-based disadvantage that the equality guarantee of Article 14 is designed to confront, yet it remains largely unaddressed in Indian law and policy.

A seventh and increasingly acute barrier is digital exclusion. As welfare delivery, pension disbursement, banking and identity verification migrate to digital and mobile platforms, older persons with low digital literacy are at risk of being shut out of the very entitlements designed for their benefit. Biometric authentication failures can disrupt access to pensions and rations for those with worn fingerprints or limited familiarity with technology, with inadequate assisted or offline alternatives.⁵⁶ Older persons are also disproportionately targeted by online financial fraud and cybercrime,⁵⁷ “while barriers to tele-medicine and the risk of age bias embedded in algorithmic decision-making threaten to entrench exclusion in the very systems presented as instruments of inclusion”.⁵⁸ Underlying all of these is a structural gap: the absence of a single, dedicated, rights-based statute that conceives of older persons not as objects of maintenance and welfare but as bearers of justiciable rights, together with a paucity of disaggregated data on which to base targeted intervention.

⁵⁴These shortfalls flow in part from the Act's administrative design: see (n 33) and (n 37).

⁵⁵World Health Organization, Global Report on Ageism (WHO 2021).

⁵⁶Biometric (Aadhaar) authentication failures have been widely reported to disrupt access to pensions and rations for older persons, for whom worn fingerprints and low digital literacy compound the difficulty.

⁵⁷Cyber-fraud and online scams disproportionately affect older persons; the National Crime Records Bureau (n 52) records a rising incidence of cybercrime, of which the elderly form a particularly vulnerable class.

⁵⁸See WHO (n 55) on ageism in the design and deployment of new technologies.

VII. Towards a Rights-Based Elder Rights Framework

Closing the rights-realisation gap requires a decisive “shift from a welfare model to a rights model, and that shift must be given concrete institutional form”. The centerpiece of reform should be a comprehensive Elder Rights Act that moves beyond maintenance to confer enforceable rights on older persons: “a statutory right to a dignified standard of living”, “an express right of digital accessibility to public services and benefits”, “a justiciable entitlement to geriatric and palliative healthcare cast as a mandatory State obligation”, and robust protection against abuse, neglect and age-based discrimination. Such a statute should remove the unrealistic ceiling on maintenance, entrust contested determinations to judicially trained adjudicators, and establish legal aid cells dedicated to senior citizens so that the right to a remedy is not defeated by the practical difficulty of pursuing it.⁵⁹

Equally important is a dedicated institutional guardian. A statutory National Commission for Older Persons, modelled on the established commissions for women and for the protection of child rights, should be vested with clearly enumerated powers: investigative powers to inquire into individual complaints and systemic instances of neglect, abuse or denial of entitlements, including the power to summon information and records; recommendatory powers to advise the Union and State Governments on legislation, policy and administrative measures affecting older persons; and monitoring powers to oversee the implementation of elder-rights guarantees, the discharge of digital-accessibility obligations, and the conditions prevailing in old age homes and care facilities.⁶⁰

These reforms should be complemented by substantial and periodic revision of the old age pension towards a universal and adequate floor, the expansion of the geriatric health programme into genuinely comprehensive coverage with community and home-based care, properly resourced helplines and sensitized policing for protection against abuse, the mandatory design of digital systems with assisted and offline alternatives, and the systematic collection of disaggregated data attentive to gender and region. Together these measures would convert a fragmented architecture of welfare into a coherent regime of enforceable rights.

⁵⁹Comparative models such as Japan's entitlement-based long-term care insurance (n 20) and the dedicated regional instrument adopted by the Council of Europe (n 22) illustrate the direction such reform might take.

⁶⁰Statutory commissions such as the National Commission for Women and the National Commission for Protection of Child Rights offer institutional analogues for such a body.

VIII. Conclusion

The ageing of India is one of the defining social transformations of the coming decades. The country possesses a respectable architecture of constitutional guarantees, a dedicated maintenance statute, general maintenance remedies, a suite of welfare policies and an increasingly responsive judiciary. The deficiency lies not in the existence of rights but in their accessibility. Financial insecurity, healthcare gaps, elder abuse, ageism, weak implementation, the feminization of ageing and digital exclusion combine to keep formal entitlements beyond the practical reach of many older persons. India's ageing transition therefore demands a shift from welfare-oriented protection to a rights-based framework that recognises older persons as autonomous rights-holders rather than as passive objects of care. As demographic ageing accelerates, legal reform can no longer remain reactive but must anticipate the emerging social and constitutional realities of an ageing society. The constitutional promise of a life of dignity in old age, rooted in Article 21 and elaborated by the Directive Principles, will be honoured only when that promise is reconceived in genuinely rights-based terms and matched by the institutional capacity to deliver it.

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