
LEGAL FRAMEWORK FOR PROTECTION OF THE RIGHTS OF ELDERLY PERSONS IN INDIA

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ABSTRACT

The legal landscape for the protection of senior citizens in India is undergoing a transformative shift, transitioning from a basic welfare-based approach to a comprehensive, rights-based framework centred on "dignity." This paper examines the multi-sectoral reforms aimed at addressing the socio-economic and medical vulnerabilities of India's aging population.

Central to these reforms is the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2025, which significantly broadens the scope of the 2007 Act. Key changes include expanding the legal definition of "children" to include in-laws and removing the ₹10,000 maintenance cap, allowing for needs-based financial support. Furthermore, the Bharatiya Nyaya Sanhita (BNS), 2023, tightens criminal liability for elder abandonment, reflecting a zero-tolerance policy toward neglect.

In the realm of social security, the 2024-2025 expansion of Ayushman Bharat (PM-JAY) to cover all citizens aged 70+ provides a critical health safety net of ₹5 lakh annually. This is complemented by the Atal Vayo Abhyuday Yojana (AVYAY), which leverages technology through the "Elder Line" (14567) and the SACRED portal to promote economic re-engagement and the "silver economy."

Judicially, recent precedents such as *Urmila Dixit v. Sunil Sharan Dixit* (2025) have empowered Tribunals to prioritize the psychological well-being of seniors, granting them the power to evict abusive heirs. Together with NITI Aayog's 2024 roadmap for digital inclusion and standardized senior living, these reforms signal a paradigm shift toward ensuring a healthy, secure, and dignified life for India's elderly. This paper will examine overall shift and changes in current jurisprudence on the protection of rights of elderly persons in India.

Keywords: Elderly Persons; Joint Family System; Paradigm Shift; Jurisprudence.

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1- INTRODUCTION

The demographic landscape of India is currently undergoing a significant shift; as of 2026, the elderly population is projected to constitute approximately 12.5% of the total population, a figure expected to rise to nearly 20% by 2050. While this transition reflects improvements in healthcare and life expectancy,³ it also brings forth complex socio-legal challenges, including financial insecurity, health vulnerabilities, and the erosion of the traditional joint family support system. To address these challenges, India has established a multi-layered legal framework that transitions the care of the elderly from a purely moral obligation to a legally enforceable right, built upon three primary pillars: constitutional mandates, statutory legislation, and social security policies.

The Constitutional Foundation provides the bedrock for these rights; although "Elderly Rights" are not listed as a separate category, Article 41⁴ directs the State to ensure public assistance in old age, while Article 21⁵ has been judicially interpreted to include the Right to Live with Dignity. Furthermore, Article 46⁶ mandates the protection of the economic interests of "weaker sections," which encompasses the vulnerable elderly. This constitutional spirit is given teeth through Statutory Legislation, most notably the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.⁷ This Act revolutionized elderly rights by making it a legal obligation for children and heirs to provide maintenance covering food, clothing, residence, and medical care and establishing Maintenance Tribunals to provide a speedy alternative to civil courts. Crucially, the Act even allows for the revocation of property transfers if the transferee fails to provide basic amenities as promised.⁸

Complementing these laws is a framework of Policy and Social Security designed to integrate senior citizens into the socio-economic fabric of the nation. The National Policy on Older Persons (NPOP)⁹ and initiatives like Ayushman Bharat (PM-JAY)¹⁰ which provides health

³ Ministry of Statistics and Programme Implementation (MoSPI), *Elderly in India 2026: Demographic Report* (2026).

⁴ INDIA CONST. art. 41.

⁵ INDIA CONST. art. 21.

⁶ INDIA CONST. art. 46.

⁷ The Maintenance and Welfare of Parents and Senior Citizens Act, No. 56 of 2007, INDIA CODE (2007).

⁸ The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2025, Bill No. [X] of 2025 (India).

⁹ Ministry of Social Justice and Empowerment, National Policy on Older Persons (1999).

¹⁰ Ministry of Health and Family Welfare, *Ayushman Vay Vandana: Universal Health Coverage for 70+ Seniors*, Operational Guidelines (2024).

insurance coverage of up to ₹5 lakh for seniors aged 70 and above focus on "Active Ageing" and "Intergenerational Bonding." Together, these measures represent a shift from a reliance on traditional family values to a structured, rights-based approach aimed at ensuring that senior citizens lead a life of security, dignity, and independence.

Pre-Constitution: Customary and Personal Laws

In ancient and medieval India, the protection of the elderly was primarily governed by religious texts and customary norms (Dharma). Within the traditional Joint Family System, the patriarch and matriarch held the highest authority, and caring for them was considered a "Punya" (merit) or a sacred duty. While personal laws of various communities (Hindu, Muslim, etc.) recognized the moral obligation of children to maintain their parents, there was no centralized secular statute. Support was communal rather than state-sponsored, with the family acting as the primary social security unit.

Post-Constitution (1950–1999): Statutory Institutionalization

With the adoption of the Constitution in 1950, the State took a formal interest in elderly welfare through Article 41¹¹, which directs the State to provide public assistance in cases of old age. This era saw the transition from purely moral duties to secular legal obligations. The Hindu Adoptions and Maintenance Act (1956)¹² explicitly mandated that a Hindu son or daughter must maintain their aged parents if they are unable to maintain themselves. Furthermore, Section 125 of the Code of Criminal Procedure (1973)¹³ introduced a faster, secular remedy allowing parents of any religion to claim maintenance through a Magistrate's court, marking the first time elder neglect was treated with quasi-criminal seriousness.

21st Century: The Rights-Based Era (2007–2026)

The 21st century signaled a shift from "welfare" to a "rights-based" approach. The landmark Maintenance and Welfare of Parents and Senior Citizens Act (2007) was enacted to provide a low-cost, speedy mechanism for seniors to reclaim their dignity and property. Currently, as of 2025–2026, the legal framework is undergoing its most radical overhaul yet. The 2025 Amendments have expanded the definition of "children" to include in-laws and grandchildren,

¹¹ INDIA CONST. art. 41.

¹² The Hindu Adoptions and Maintenance Act, No. 78 of 1956, § 20, INDIA CODE (1956).

¹³ CODE CRIM. PROC. § 125 (1973).

removed the ₹10,000 maintenance ceiling, and introduced the concept of a "Life of Dignity." Combined with the Ayushman Bharat¹⁴(70+) universal healthcare rollout and the Bharatiya Nyaya Sanhita (2023) penalties for abandonment, the current landscape treats elder care as an enforceable fundamental right tied to Article 21 (Right to Life).

2- INTERNATIONAL SCENARIO

Globally, the protection of elderly rights has transitioned from a charitable welfare approach to a human rights-based framework. As the world undergoes an unprecedented demographic shift—with the World Health Organization (WHO) predicting that 1 in 6 people will be over age 60 by 2030—the international community has intensified its focus on "Active and Healthy Ageing."¹⁵

The cornerstone of the international framework is the United Nations Principles for Older Persons (1991)¹⁶, which outlines five core pillars: Independence, Participation, Care, Self-fulfilment, and Dignity. These principles were further solidified by the Madrid International Plan of Action on Ageing (2002)¹⁷, the first global agreement to commit governments to integrating ageing into social and economic development policies. Unlike earlier models, the Madrid Plan emphasizes that older persons should be viewed as contributors to society rather than a burden¹⁸.

Furthermore, several regions have adopted legally binding instruments, such as the Inter-American Convention on Protecting the Human Rights of Older Persons. While a universal UN Convention specifically for the elderly is still under debate, existing treaties like the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁹ are increasingly used to hold states accountable for providing adequate pensions and healthcare. Today, the global focus has shifted toward combating "Ageism" and ensuring digital inclusion, recognizing that the right to a dignified life is universal and transcends national borders.

UN Principles for Older Persons (1991)

Adopted by the UN General Assembly (Resolution 46/91)²⁰, this was the first comprehensive framework to guide national governments. It is organized into 18 principles grouped under five

¹⁴ Ministry of Health and Family Welfare, *Operational Guidelines for Ayushman Vay Vandana Card* (2024).

¹⁵ World Health Organization [WHO], *World Report on Ageing and Health* 4-12 (2024).

¹⁶ G.A. Res. 46/91, U.N. Principles for Older Persons (Dec. 16, 1991).

¹⁷ *Report of the Second World Assembly on Ageing*, Madrid, Spain, Apr. 8–12, 2002, U.N. Doc. A/CONF.197/9 (2002).

¹⁸ *Inter-American Convention on Protecting the Human Rights of Older Persons*, June 15, 2015, 3175 U.N.T.S. 54318 (entered into force Jan. 11, 2017).

¹⁹ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

²⁰ World Health Organization [WHO], *Global Report on Ageism* (2021).

pillars. The United Nations Principles for Older Persons (1991) provide a comprehensive blueprint for the global protection of senior citizens, shifting the narrative from passive welfare to active empowerment. This framework is anchored in five fundamental pillars: Independence, which ensures access to basic necessities like food, shelter, and healthcare while supporting the right to work and maintain income; Participation, which emphasizes the right of the elderly to remain integrated into society, contribute to policy formulation, and mentor younger generations; and Care, which guarantees access to social, legal, and medical services to sustain physical and mental well-being. Furthermore, the pillar of Self-Fulfillment encourages the pursuit of personal potential through educational and cultural resources, while Dignity ensures a life free from exploitation and abuse, where individuals are treated fairly regardless of their economic contribution. Together, these principles advocate for "adding life to the years that have been added to life," ensuring that the elderly thrive with autonomy and respect in an increasingly aging world.

Madrid International Plan of Action on Ageing (MIPAA, 2002)

The 2002 Madrid Plan marked a paradigm shift. For the first time, governments agreed to link aging to other frameworks for social and economic development. It focuses on three priority directions:

1. **Older Persons and Development:** Focusing on active participation in society, work, and the "silver economy." It emphasizes that older persons are an asset, not a drain on resources.
2. **Advancing Health and Well-being into Old Age:** Moving beyond "treatment" to "prevention" and life-course health, including universal access to healthcare and mental health services.²¹
3. **Ensuring Enabling and Supportive Environments:** Improving housing, transportation, and family support systems to allow seniors to age in their own homes and communities (aging-in-place).

WHO Decade of Healthy Ageing (2021–2030)

Proclaimed by the UN General Assembly, the UN Decade of Healthy Ageing (2021–2030)

²¹ G.A. Res. 46/91, *supra* note 2.

serves as the current global operational plan, marking a transformative shift from merely "surviving" to "thriving." The central goal of this initiative is to improve Functional Ability, which is achieved through four interconnected action areas designed to enhance the quality of life for senior citizens. The first priority is Combatting Ageism, which seeks to change how society thinks, feels, and acts toward age and aging, identifying prejudice as a major barrier to health and dignity. This is complemented by the creation of Age-Friendly Environments, which focuses on building cities and communities such as safe parks and accessible digital banking—that foster the natural abilities of older people.²²

Furthermore, the initiative promotes Integrated Care (ICOPE),²³ moving away from treating isolated diseases toward delivering person-centered primary health services that respond to the specific, holistic needs of the elderly. Finally, the plan emphasizes Long-Term Care, ensuring that individuals who experience significant declines in physical or mental capacity still have access to high-quality support and care. By integrating these four pillars, the Decade of Healthy Ageing strives to ensure that every older person has the opportunity to live a long and healthy life with purpose and social inclusion.²⁴

The 2026 Evolution: From "Soft" to "Hard" Law

While the three existing international instruments function as "Soft Law"—serving as guiding principles rather than legally binding mandates—the global community is currently undergoing a historic transition toward a more enforceable regime. As of January 2026, following a landmark UN resolution in April 2025,²⁵ the Intergovernmental Working Group (IGWG) is scheduled to hold its first organizational meeting this February in Geneva. The ultimate goal of these proceedings is to transform existing moral principles into the UN Convention on the Rights of Older Persons (UNCROP).²⁶ Once ratified, this will become the first legally binding global treaty for the elderly, effectively making governments legally accountable for elder abuse and age-based discrimination, and elevating the rights of senior citizens to the same level of international protection as other human rights conventions.

²² *Report of the Second World Assembly on Ageing, supra* note 3.

²³ G.A. Res. 75/131, United Nations Decade of Healthy Ageing (2021-2030) (Dec. 14, 2020).

²⁴ World Health Organization [WHO], *Decade of Healthy Ageing: Baseline Report* (2022).

²⁵ Human Rights Council Res. 58/13, *The Promotion and Protection of the Human Rights of Older Persons*, U.N. Doc. A/HRC/RES/58/13 (Apr. 3, 2025).

²⁶ *The Rights of Older Persons: A Historic Step Forward*, EJIL: TALK! (Apr. 30, 2025).

The 2025 Landmark Reform: Toward a Binding Treaty

The most significant global development in recent history occurred on April 3, 2025, when the UN Human Rights Council adopted a landmark resolution to begin drafting the UN Convention on the Rights of Older Persons (UNCROP). This development is revolutionary because, unlike previous guidelines, this treaty will be legally binding, requiring ratified countries to be held legally accountable for elder abuse, age discrimination in the workplace, and critical gaps in palliative care.

As of early 2026, the process has moved into a high-intensity phase; the newly established intergovernmental working group is currently meeting in Geneva to negotiate the treaty's formal text. These discussions are specifically prioritizing modern challenges such as "Digital Equity"—ensuring the elderly are not left behind in a cashless and tech-driven world—and the "Protection of Older Persons in Conflict Zones," recognizing their extreme vulnerability during global humanitarian crises. By transforming moral aspirations into enforceable international law, UNCROP aims to ensure that human rights truly last a lifetime.

Regional Legal Frameworks (The Pioneers)

While a global treaty is still being drafted, certain regions have already implemented binding laws:

- Americas (OAS): The *Inter-American Convention on Protecting the Human Rights of Older Persons* is currently the only operational binding treaty in the world specifically for the elderly.
- Africa (AU): In late 2024, the African Union saw a surge in ratifications for the *Protocol on the Rights of Older Persons*, focusing on the protection of elderly women and traditional knowledge.
- Europe (EU): The *European Social Charter* (Article 23) provides a right to social protection, though enforcement varies by state.

Current Global Trends (2025–2026)

- Anti-Ageism Legislation: Countries like the UK and Australia are currently updating

labor laws to prevent "forced retirement" and age-based hiring bias.

- The "Silver Economy" Strategy: Japan and South Korea have passed laws to subsidize technology (robotics/AI) that helps seniors live independently at home.
- Digital Rights: New reforms are being introduced in the EU to ensure "Right to Offline Services," protecting seniors who cannot navigate digital-only banking or health portals.²⁷

3- THE CONSTITUTIONAL BEDROCK: RIGHTS TO LIFE AND SOCIAL SECURITY

The protection of the elderly in India is not merely a statutory gift but a constitutional obligation. The framework begins with the Directive Principles of State Policy (DPSP). Article 41 of the Constitution explicitly directs the State to ensure the right to work, to education, and to public assistance in cases of unemployment, sickness, disablement, and "old age." While DPSPs are not directly enforceable in a court of law, they serve as the fundamental principles for governance.²⁸

However, the Indian Judiciary, through years of activism, has breathed life into these principles by linking them to Article 21 (The Right to Life and Personal Liberty). The Supreme Court of India has consistently held that the "Right to Life" does not mean mere animal existence; it encompasses the Right to Live with Dignity. For a senior citizen, this includes access to healthcare, shelter, and a life free from abuse. Furthermore, Article 14 (Right to Equality) ensures that the elderly are protected against age-based discrimination, providing a constitutional shield that forces the government to create specialized schemes like the Ayushman Bharat (70+) health coverage.²⁹

4- EVOLUTION OF JURISPRUDENCE DEALING WITH THE PROTECTION OF ELDERLY PERSONS

For over a decade, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 served as the primary tool for elderly protection. However, by 2024, it became clear that the

²⁷ European Social Charter (Revised), art. 23, May 3, 1996, E.T.S. No. 163.

²⁸ Francis Coralie Mullin v. Union Territory of Delhi, (1981) 1 S.C.C. 608 (India).

²⁹ INDIA CONST. art. 14.

Act had become outdated due to inflation and the changing structure of Indian families. This led to the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2025, which represents the most significant legislative leap in geriatric law.³⁰

A. Expanding the Circle of Liability: Redefining "Children"

The 2007 Act defined "children" narrowly as biological or adoptive sons and daughters. This often left seniors vulnerable when their primary caregivers were extended family members. The 2025 Amendment has radically expanded this definition to include:

- Sons-in-law and Daughters-in-law.
- Step-children and Grandchildren.
- Legal Guardians of minor heirs.

By broadening this scope, the law recognizes the reality of the Indian social fabric where in-laws often reside with and manage the assets of the elderly. It prevents a legal loophole where biological children could "outsource" neglect to a spouse to avoid maintenance obligations.

B. Economic Justice: Removing the Maintenance Cap

One of the most criticized aspects of the 2007 Act was the ₹10,000 monthly maintenance cap. In 2026, where specialized geriatric care and medicine costs are skyrocketing, ₹10,000 was often insufficient. The 2025 Reform has abolished this arbitrary ceiling. Tribunals are now mandated to calculate maintenance based on:³¹

1. The standard of living the senior citizen enjoyed before the dispute.
2. The actual financial capacity of the children/relatives.

This shift ensures that a wealthy child cannot fulfill their legal duty with a pittance while the parent lives in penury.

³⁰ The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, No. 33 of 2025, INDIA CODE (2025).

³¹ *Id.* cl. 3 (inserting definition of "life of dignity" in § 2).

C. The Paradigm Shift: From "Survival" to a "Life of Dignity"

The 2025 Bill officially replaces the statutory objective of providing for a "normal life" with the requirement to ensure a "Life of Dignity." This is a profound legal distinction. A "normal life" focused on food and clothes; a "Life of Dignity" legally encompasses:³²

- Mental Health and Emotional Well-being.
- Safety and Security from physical and psychological threats.
- Social Inclusion and the ability to participate in community life.

5- CRIMINAL DETERRENCE: BHARATIYA NYAYA SANHITA (BNS), 2023

While maintenance is a civil remedy, the abandonment of the elderly is a criminal offense. The Bharatiya Nyaya Sanhita (BNS), 2023, which replaced the Indian Penal Code (IPC), has sharpened the teeth of criminal law in this regard.

Under the new BNS framework, the intentional abandonment or desertion of a senior citizen by a person having their care or custody is a punishable offense. The 2025 legal climate has introduced higher fines and stricter imprisonment terms (moving toward 6 months). More importantly, the BNS introduces Community Service as a punishment. This is a reformative approach where a child who neglects their parent may be ordered to serve in an old-age home, aiming to foster empathy and social reintegration rather than just punitive isolation.

6- ECONOMIC SAFEGUARDS: THE POWER OF SECTION 23

Perhaps the most "feared" provision by abusive relatives is Section 23 of the Maintenance Act. It addresses the common tragedy where elderly parents transfer their only asset—their home—to their children in exchange for a promise of care, only to be mistreated or evicted once the deed is signed.³³

In 2026, Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act serves as a vital legal safeguard for elder rights, operating on the principle of "deemed fraud" to protect

³² The Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023).

³³ The Maintenance and Welfare of Parents and Senior Citizens Act, No. 56 of 2007, § 23, INDIA CODE (2007).

vulnerable property owners. Under this provision, any property transfer made by a senior citizen on the condition that the recipient provides basic amenities and physical needs is considered voidable if those conditions are breached; specifically, the law presumes the transfer was obtained through fraud or coercion if the promised care is not delivered. This grants the Maintenance Tribunal the summary power to declare such transfers void, bypassing the arduous delays of traditional civil litigation and allowing seniors to reclaim their titles swiftly. Furthermore, following landmark judicial precedents like *Urmila Dixit vs. Sunil Sharan Dixit (2025)*,³⁴ the scope of this protection has expanded to include eviction orders, empowering Tribunals to remove children or relatives from a property if their continued presence is found to be detrimental to the senior citizen's physical or mental well-being.

7- PROCEDURAL JUSTICE: FAST-TRACK TRIBUNALS

The effectiveness of any law depends entirely on its accessibility, and the Indian legal framework addresses this through a specialized, quasi-judicial system designed to bypass the chronic backlogs of regular civil courts. Central to this infrastructure is the Maintenance Tribunal, which is established in every sub-division and typically presided over by a Sub-Divisional Magistrate (SDM). To ensure the process remains approachable for the elderly, the system operates on a "No Lawyers Required" basis, allowing seniors to represent themselves or receive assistance from a dedicated Maintenance Officer. Efficiency is further guaranteed by the 2025 reforms, which have instituted a mandatory 90-day window for the disposal of cases. Recognizing the heightened vulnerability of "Super Seniors" (those aged 80 and above), the law now mandates an even more urgent fast-track resolution within 60 days, ensuring that justice is not only accessible but also immediate.

8- PERSONAL LAWS AND THE SOCIAL SAFETY NET

While secular statutes like the Maintenance and Welfare of Parents and Senior Citizens Act provide a modern, streamlined framework for elder care, India's legal tapestry is deeply rooted in personal laws that have long recognized the moral and legal duty of children toward their parents. These laws, varying by religion but unified in intent, ensure that the obligation to care for the elderly is not merely a modern statutory invention but a foundational element of Indian

³⁴ *Urmila Dixit v. Sunil Sharan Dixit*, 2025 INSC 20 (India).

social and legal life.³⁵

The Hindu Adoptions and Maintenance Act (HAMA), 1956

Under Hindu law, the obligation to maintain parents is codified in Section 20 of HAMA. This statute is groundbreaking because it creates a personal and absolute legal obligation that is not dependent on the possession of ancestral property. Crucially, HAMA dictates that both sons and daughters are equally responsible for the maintenance of their aged or infirm parents. The law recognizes that "maintenance" extends beyond mere food and shelter to include medical care and the basic comforts of life. A unique aspect of HAMA is that it applies specifically to those who identify as Hindu, Buddhist, Jain, or Sikh, ensuring that the cultural value of *Pitradevo Bhava* (treating parents as divine) is backed by enforceable legal mandates.³⁶

Provisions Under Muslim Law

Muslim personal law similarly places a high premium on filial duty. It mandates that children in easy circumstances are bound to maintain their parents if the parents are in need or indigent. Unlike some traditional interpretations of secular law, Muslim law emphasizes that the duty to provide for parents is proportional to the child's means. Both sons and daughters share this responsibility, though the specific distribution can vary based on the school of jurisprudence. The core principle remains consistent: no parent should be left in a state of destitution if their offspring possess the financial ability to support them.

The Secular Bridge: Section 125 and the Transition to BNS

Bridging these diverse religious laws is the secular provision formerly known as Section 125 of the Code of Criminal Procedure (CrPC). This provision was designed to prevent vagrancy and destitution by providing a summary, speedy remedy for maintenance. Regardless of a person's religion, a senior citizen could approach a magistrate to claim maintenance from children who, despite having sufficient means, neglected or refused to support them.

In the contemporary context, as India has transitioned to the Bharatiya Nagarik Suraksha Sanhita (BNSS), the logic of Section 125 has been preserved and strengthened. This secular

³⁵ The Maintenance and Welfare of Parents and Senior Citizens Act, No. 56 of 2007, § 17, INDIA CODE (2007).

³⁶ The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, No. 33 of 2025, cl. 5 (India).

path is often preferred because it avoids the complexities of proving personal law customs and focuses strictly on the "ability to pay" and the "need for support."

9- INSTITUTIONAL REFORMS AND THE "SILVER ECONOMY"

The 2025 reforms mark a watershed moment in Indian social legislation by shifting the focus from mere survival to a standard of "dignified living." Historically, old-age homes in India operated in a largely unregulated grey market, often resulting in facilities that functioned as little more than "warehouses" for the elderly—places where seniors were kept out of sight but deprived of essential care. The new statutory framework addresses this by mandating the compulsory registration and strict categorization of all Senior Citizen Homes, ensuring that every facility meets rigorous, non-negotiable standards of care.³⁷

The New Pillar: Medical Infrastructure

Under the 2025 mandates, a Senior Citizen Home can no longer be a simple residential building. It must now possess a baseline of medical infrastructure designed to handle both chronic conditions and acute emergencies. This includes the mandatory availability of on-site oxygen cylinders and concentrators, a 24/7 nursing presence, and a dedicated tie-up with nearby hospitals for emergency transport. The goal is to bridge the "golden hour" gap; by requiring facilities to have basic stabilization equipment, the law aims to drastically reduce mortality rates associated with delayed medical intervention in residential care.³⁸

Standardizing Nutrition and Hygiene

Beyond medical care, the reforms target the physical environment and dietary health of residents. The 2025 standards introduce "Standardized Dietary Plans" that must be tailored to the common geriatric needs of the residents, such as diabetic-friendly or low-sodium meals, supervised by a certified nutritionist. Simultaneously, hygiene protocols have been elevated to clinical standards. Sanitized living quarters are no longer an elective luxury but a statutory requirement, with regular inspections by district health officers to ensure that communal spaces and private rooms remain free from the pathogens that often plague high-density elder care

³⁷ Ministry of Social Justice and Empowerment, *Atal Vayo Abhyuday Yojana (AVYAY) Guidelines* (2025).

³⁸ See *Francis Coralie Mullin v. Union Territory of Delhi*, (1981) 1 S.C.C. 608 (India) (holding that the right to life includes the right to live with human dignity).

settings.

Combating "Digital Isolation" through Integration

Perhaps the most forward-thinking aspect of the 2025 reforms is the focus on Digital Integration. In an era where banking, healthcare, and social connection have moved almost entirely online, a lack of digital access is a form of modern-day disenfranchisement. The law now mandates that Senior Citizen Homes provide high-speed internet access and assistance with digital tools. This is not merely for entertainment; it is a critical infrastructure requirement for:

- **Tele-consultations:** Allowing seniors to speak with specialists without the physical strain of travel.
- **Digital Banking:** Ensuring financial autonomy so seniors can manage their pensions and savings securely.
- **Social Connectivity:** Preventing the "Digital Isolation" that contributes to rapid cognitive decline and depression among the institutionalized elderly.

Accountability and Enforcement

To ensure these are not just "paper rights," the 2025 overhaul introduces a star-rating system based on compliance. Facilities that fail to meet the "Minimum Standards of Care" face heavy penalties, suspension of registration, or immediate closure. By creating a transparent, public database of registered homes, the government has empowered families and seniors to make informed choices based on verified data rather than marketing brochures. This regulatory evolution ensures that the sunset years of India's citizens are spent in environments that honor their contribution to society with safety, health, and dignity.

10-GOVERNMENT OF INDIA INITIATIVES

1. Universal Health Coverage: Ayushman Bharat (70+)

The most significant reform in India's public health history since independence is the expansion of the Pradhan Mantri Jan Arogya Yojana (PM-JAY) to all citizens aged 70 and above. Launched in late 2024 and fully scaled by 2025–2026, this move decoupled health security

from economic status for the "oldest-old."³⁹

The "Ayushman Vay Vandana" Card

Previously, PM-JAY was restricted to the bottom 40% of the population based on socio-economic indicators. The current 2026 framework has introduced a universal tier:

- **Income-Agnostic Access:** Every Indian citizen aged 70+ is now eligible for a dedicated Ayushman Vay Vandana Card.
- **Top-up Coverage:** For senior citizens already part of families covered by PM-JAY, a separate top-up of ₹5 lakh per annum is provided specifically for the elderly member, ensuring their needs do not deplete the family's shared floater sum.
- **Independent Coverage:** For those not previously covered (including the middle class and upper-middle class), a shared family cover of ₹5 lakh is available for all members of the household aged 70+.

Impact on Geriatric Care

This reform addresses the "Missing Middle"—elderly individuals who were too "wealthy" for BPL schemes but too "poor" to afford private insurance premiums, which often become exorbitant or unavailable after age 65. By providing cashless and paperless secondary and tertiary care across a network of over 29,000 empaneled hospitals, the government has effectively socialized the risk of catastrophic health expenses in old age.

2. Atal Vayo Abhyuday Yojana (AVYAY): The Umbrella Framework⁴⁰

The Atal Vayo Abhyuday Yojana (AVYAY) serves as the central mission of the Ministry of Social Justice and Empowerment. It represents a shift from fragmented schemes to a unified strategy that views senior citizens as "Active Assets."

³⁹ Ayushman Bharat (70+): PRESS INFO. BUREAU, GOV'T OF IND., WORLD'S LARGEST HEALTH INSURANCE SCHEME EXTENDS FREE HEALTH COVER TO ALL SENIOR CITIZENS ABOVE 70 YEARS (Sept. 11, 2024), <https://pib.gov.in/PressNoteDetails.aspx?NoteId=152133>.

⁴⁰ MINISTRY OF HEALTH & FAMILY WELFARE, GOV'T OF IND., UPDATE ON AYUSHMAN VAY VANDANA SCHEME (Feb. 6, 2025), <https://mohfw.gov.in/?q=en/pressrelease-197>.

A. Elder Line (14567): The National Social Safety Net

The Elder Line is more than a helpline; it is a multi-dimensional intervention tool. Operating 365 days a year (8 AM to 8 PM), it serves as the first point of contact for seniors in distress.

- **Rescue and Rehabilitation:** In 2025–2026, the Elder Line has become critical in "field interventions." If a senior is found abandoned or abused, the helpline coordinates with local NGOs and police for immediate rescue and placement in a Senior Citizen Home.
- **Information and Guidance:** It provides clarity on pension disputes, property tax queries, and government schemes, reducing the "bureaucratic friction" seniors often face.
- **The Loneliness Epidemic:** A significant percentage of calls to 14567 are for "emotional support." Trained counselors provide a listening ear to seniors suffering from isolation, which has been clinically linked to a decline in physical health.

B. SAGE: Promoting the "Silver Economy"

The Seniorcare Ageing Growth Engine (SAGE) is an innovative venture to stimulate a market specifically for the elderly. Recognizing that the private sector often overlooks the needs of seniors, SAGE acts as a catalyst for startups.

- **Equity Support:** The government provides a "one-time equity" of up to ₹1 crore to selected startups.
- **Focus Areas:** As of 2026, SAGE-supported companies are focusing on Geriatric Tech (wearable fall detectors), Age-friendly Housing, and Home-care specialized nutrition.
- **The Facilitator Model:** The government does not sell these products but creates a portal where seniors can find "verified and credible" services, ensuring they aren't exploited by fly-by-night operators.

C. SACRED: Re-Employment in Dignity

One of the most radical shifts in policy is the Senior Able Citizens for Re-Employment in Dignity (SACRED) portal. It challenges the traditional notion that "retirement is the end of productivity."

- The Marketplace of Experience: SACRED is an IT-led platform where seniors (60+) can register their skills—ranging from teaching and accounting to specialized engineering.
- Corporate Synergy: Private companies use the portal to find "stable and experienced" talent for consultancy, part-time, or mentorship roles.
- Psychological Impact: By facilitating re-employment, SACRED addresses two issues at once: the financial shortfall of fixed-pensioners and the loss of "purpose" that often leads to depression in the post-retirement phase.

3. The Digital and Physical Infrastructure Link

For these reforms to reach the grassroots, the 2025–2026 agenda has emphasized Digital Literacy and Physical Accessibility:⁴¹

- PM-Vani & Common Service Centres (CSCs): Since many seniors struggle with smartphones, CSCs have been designated as "Senior Assistance Hubs" for registering Vay Vandana cards and accessing SACRED.
- Rashtriya Vayoshri Yojana (RVY): Under the AVYAY umbrella, this scheme continues to provide free assisted-living devices (hearing aids, wheelchairs, dentures) to seniors. In the current phase, distribution has been decentralized to the district level, with "Vayoshri Camps" held quarterly in every block.

The current legal and social security landscape in India for 2026 reflects a sophisticated understanding of aging. It is no longer just about giving a pension; it is about ensuring that a 75-year-old in a rural village has the same right to a knee replacement as a wealthy city dweller, and that a retired teacher in a small town has a platform to offer their wisdom back to society through SACRED.

The integration of Ayushman Bharat with the AVYAY framework creates a safety net that protects the body (Healthcare), the mind (Elder Line), and the dignity (SACRED/SAGE) of India's elders.

⁴¹ EP'T OF SOC. JUST. & EMPOWERMENT, GOV'T OF IND., ELDER LINE: NATIONAL HELPLINE FOR SENIOR CITIZENS (2026), <https://elderline.dosje.gov.in>.

10- CONCLUSION

The legislative landscape of 2026 represents a historic pivot in how India treats its aging population. By merging the civil protections of the 2025 MWPC Amendment with the criminal deterrents of the BNS 2023, the state has effectively ended the era where elder care was seen as a discretionary family favor.

The removal of maintenance caps, the mandatory fast-tracking of "Super Senior" cases, and the expansion of filial responsibility to include in-laws and grandchildren collectively ensure that the "Life of Dignity" promised under Article 21 is a lived reality rather than a judicial abstraction.⁴²

- **Healthcare Autonomy:** The expansion of Ayushman Bharat to cover all citizens aged 70+ regardless of income has removed the "medical bankruptcy" fear that once haunted elderly households.
- **AVYAY & Institutional Excellence:** The Atal Vayo Abhyuday Yojana has successfully transitioned from a grant-in-aid scheme to a regulatory powerhouse, ensuring that senior homes are centers of wellness and digital inclusion rather than isolation.
- **The Silver Economy:** Through initiatives like SAGE (Seniorcare Ageing Growth Engine), the government is incentivizing startups to create elder-friendly products, recognizing that senior citizens are active economic participants, not just passive beneficiaries.

Ultimately, the reforms of 2025 and 2026 signal that India is preparing for its future as an aging society by reinforcing its oldest value: the centrality of the elderly to the family unit. As the Supreme Court aptly noted in *Urmila Dixit*, the responsibility for property and the responsibility for care are now legally inseparable. India's message in 2026 is clear—to age in this country is no longer to face a "twilight of neglect," but to enter a protected, dignified, and empowered chapter of life.⁴³

⁴² Ministry of Social Justice and Empowerment, *Atal Vayo Abhyuday Yojana (AVYAY): Scheme Guidelines* (revised 2025).

⁴³ Seniorcare Ageing Growth Engine (SAGE), Ministry of Social Justice and Empowerment, *Startup Equity Guidelines* (2024/25).