

## **“Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Amendments; Welfare of Elderly Care Legislation”**

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### **ABSTRACT**

It's a well-known shloka in Indian society stating "मातृदेवो भव, पितृदेवो भव<sup>1</sup>।" this phrase translated to “Mother is like a goddess, and Father should be respected like god”, it emphasizes the importance of value and respect for parents in our culture, Maintenance and welfare of parents and senior citizens act, 2007 (MWPA Act,2007) is a significant legal challenge in India due to mounting apprehension surrounding the ageing population. The globalization and development have instigated about sociocultural change results in forgetting the traditional values and gradual deterioration of support system of senior citizens aged 60 years and above. The rise in elder abuse has increased, legal measures have been come across to ensure the safety and well-being of senior citizens. India has implemented the crucial “Maintenance and welfare of parents and senior citizens act, 2007” to protect the elderly from exploitation and abuse. The Indian government has also introduced some major schemes especially for senior citizens to safeguard from mental, physical and financial abuse. The “Madrid international plan of action on ageing,2002” is a significant international initiative aimed on addressing the challenges associated with aging population. This paper aims to provide an overview of a comprehensive study analysing, this research burrow into various international and national legal framework intend to protect the senior citizens from exploitation and abuse. Additionally, this research paper aims to contribute to the ongoing discourse on welfare of elderly care legislation, offering valuable recommendation to improve the quality of life to ensure wellbeing and rights of senior citizens.

**Keywords:** Legal challenge, Abuse, Schemes.

### **Introduction:**

India's cultural emphasis, deeply rooted in the values of respecting and supporting elders, is undergoing transformations influenced by global influences. In the midst of these changes, stories like that of Shraavan Kumar serve as a reminders of cultural values. Shraavan Kumar's selfless care for his blind parents epitomizes the notion of "मातृदेवो भव, पितृदेवो भव।" urging us to reflect on our responsibilities and duties towards the elderly. Embracing this cultural

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<sup>1</sup> <https://www.hindujagruti.org/hinduism-for-kids/441.html#:~:text=Greet%20your%20parents%20and%20other%20elder%20persons%20in,%E0%A5%A4%E2%80%99%2C%20meaning%2C%20%E2%80%98Mother%20and%20father%20are%20like%20God%E2%80%99.>

legacy is not merely about preserving traditions; it is a pathway toward creating a compassionate and peaceful future.

Likewise, the story of Ayyub, a devoted Muslim in India, aligns with Quranic teachings on respecting parents. (Surah Al-Isra (17:23)<sup>2</sup>) emphasizes humanity and seeking Allah's mercy when caring for parents, principles mirrored in Ayyub's<sup>3</sup> narrative. His dedication inspires prioritizing the well-being and respect of elders, to the society where respect for parents becomes a shared commitment guided by the merciful teachings of the Quran, promotes understanding and harmony.<sup>4</sup>

Within the rich tapestry of Indian spirituality, Gurbani<sup>5</sup>, the sacred texts of Sikhism, weaves a narrative of profound respect for parents and elders. Guru Granth Sahib's teachings underscore the significance of honour, respect and care for parents, echoing Sikh values of love, humanity, and familial respect. The wisdom embedded in Guru Granth Sahib acts as a guiding force, urging Sikhs to uphold these values and actively contribute to a society where the well-being and dignity of parents and elders are respected. This connection of cultural teachings signifies a collective effort across different religious and cultural ranges to construct a harmonious society, emphasizing on respect, support, dignity and care for our elders.

The Directive Principles of State Policy<sup>6</sup> (DPSP) in the Indian Constitution indirectly contribute to the well-being of senior citizens and families. Like, Article 41 directs the State to provide public assistance in cases of old age, sickness, disablement, and undeserved want. While the DPSP primarily addresses broader aspects of social justice, economic welfare, and individual dignity, the cultural and ethical values of respecting and supporting parents are often underscored in laws and societal norms. DPSP serves as governmental guidelines. Specific laws and policies in India handle concerns related to the elderly, recognizing the evolving needs of society. According to the "Ministry of Statistics and Programme Implementation (MOSPI) report, 2021", the "Elderly in India 2021" reveals a significant<sup>7</sup> rise in the elderly population despite India projected to be the world's youngest country by 2020. The elderly population is expected to grow by 36% in the last two decades, attributed to factors like economic well-being, improved healthcare, and lower fertility rates. While concerns about their well-being are acknowledged, the report does not directly address the surge in old age homes. Further examination of societal changes and support mechanisms is essential to comprehensively understand the evolving landscape and adequately address the needs of the elderly in India.

By 2050, India's elderly<sup>8</sup> population is poised to experience a significant boom, marking a societal shift. The nation will witness a surge in the proportion of seniors, reshaping societal

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<sup>2</sup> A Thinking of a Person's Guide to Islam: the essence of Islam is twelve verses from the Quran

<sup>3</sup> <https://myislam.org/surah-isra/ayat-23/>

<sup>4</sup> "Ageing Issues in India", Springer Science and Business Media LLC, 2021

<sup>5</sup> Walking With Nanak by Khalid Haroon

<sup>6</sup> <https://lexpeeps.in/a-critical-analysis-of-the-directive-principles-of-state-policy/>

<sup>7</sup> <https://myislam.org/surah-isra/ayat-23/>

<sup>8</sup> <https://www.sciencegate.app/document/10.26443/ijwpc.v9i1.331>

dynamics and necessitating innovative approaches to elder care, healthcare, and social support systems. This demographic transformation will challenge existing structures while offering opportunities for advancements in elder well-being, intergenerational connections, and technology-driven solutions to enhance the quality of life for the burgeoning senior population. Adapting to this demographic trend will be crucial for India's future societal and economic sustainability.

The necessity of enacting measures to safeguard the well-being of the elderly. Legislation is essential for safeguarding our elders due to their susceptibility to exploitation and abuse. Acts play a crucial role in protecting the rights, well-being, and dignity of the elderly, responding to societal changes and challenges in delivering adequate care and support to an aging population. By establishing a legal framework, these acts foster a culture of respect and accountability, addressing the evolving needs of elders in an increasingly complex societal landscape.

India, various acts have been came to address the specific needs and concerns of elder and senior care and protection. One of the significant legislation in India is, Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This act is designed to safeguard and protects the rights and well-being of senior citizens by ensuring that they receive maintenance and support from their children, family or relatives. It also provides for the establishment of old age homes and outlines procedures for the protection of senior citizens. Acts collectively aim to create a legal framework that promotes the care, respect, and protection of the elderly in India.

### **Objectives of the Research:**

The research aims to assess the effectiveness of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in meeting the needs; and protecting the rights as well as welfare of senior citizens. It also seeks to identify the challenges and gaps within the current legal and societal systems related to elder care in India. By focusing on traditional values, western culture and modern influences, the research intends to propose solutions and recommendations to enhance elder care legislation and practices. Additionally, it explores the balance between independence and family's support in elder care, outlines lessons from both Indian and Western approaches.

### **Research Question:**

The primary research question seems to revolve around how effective the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPA Act, 2007) is in safeguarding the rights and welfare of senior citizens in India.

### **“Act- Maintenance and Welfare of Parents and Senior Citizens Act, 2007<sup>9</sup>.”**

The main objective of the legislation is to enhance the provisions for the maintenance and welfare of parents and senior citizens. The coverage extends to parents, encompassing

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<sup>9</sup> <https://www.indiacode.nic.in/bitstream/123456789/2033/1/200756.pdf>

biological, adoptive, or step-parents, and senior citizens, defined as individuals above 60 years old. The maintenance clause obligates children and heirs, or in the case of childless senior citizens, to provide support for those unable to maintain themselves. The support includes provisions for food, clothing, housing, medical assistance, and treatment<sup>10</sup>. The path for seeking maintenance; the first step involves applications to a Maintenance Tribunal, which holds the authority to order allowances, with the maximum limit determined by the authorised Government. Appeals can directly made to an Appellate Tribunal. To cater to the requirement of senior citizens, the authorised governments are encouraged to establish and maintain old age homes, ensuring medical care and entertainment facilities. Government hospitals are instructed to prioritize senior citizens, offers different queues, beds and rooms in the hospital. The law includes measures to safeguard and protect the life and property through public awareness campaigns, and by providing official training, and promoting interdepartmental coordination. District Magistrates are empowered to enforce the Act. Offenses, such as abandoning a senior citizen, are punishable, with cognizable and bailable consequences. Officers appointed under the Act are considered public servants, and civil courts have no jurisdiction in the senior citizen matter. This act acts as an official shield for senior citizens. Notably, the legislation features additional elements like a review mechanism for implementation and the Central Government's authority to issue directions. State Governments can formulate rules to fulfil the Act's objectives, fostering a comprehensive framework for the welfare of senior citizens.

The importance of society in improving the condition of elders in India is crucial for a supportive and environment that respects and meets the needs of the aging population. Various essential aspects of societal responsibility towards the elderly:

**Social Awareness and campaigns :** Society plays a important role in promoting awareness, educating and understanding of the challenges faced by the elderly and senior citizen .Nurturing respect for the elderly is essential, recognizing their wisdom, experience, and contributions to society. Campaigns and programs that challenge stereotypes and negative attitudes towards aging populations can make a change in society significantly. Like: Shraddhanand Mahilashram, Dadidada foundation etc.<sup>11</sup>

**Support within families and society:** The traditional Indian family structure has long been a source of support and care for the elderly. Encouraging strong family ties and focus on the importance of cross-generational relationships is important. Families should strive to provide emotional and financial support to elderly members, ensuring their well-being of their elders.

**Economic Empowerment:** Society can contribute to the economic well-being of the elderly by promoting opportunities for continued employment or volunteer work. Creating an environment that values the skills and experience of older individuals in various sectors can enhance their economic independence and overall quality of life.

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<sup>10</sup> THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007 section-2(b), section-4.

<sup>11</sup> [https://ngobox.org/full-news\\_-10-NGOs-Supporting-and-Caring-for-The-Elderly-in-India--NGOBOX\\_24697](https://ngobox.org/full-news_-10-NGOs-Supporting-and-Caring-for-The-Elderly-in-India--NGOBOX_24697)

**Healthcare and Accessibility:** Ensuring accessible healthcare services for the elderly is a societal responsibility. Society can establish healthcare programs specific to the need of elder and aging population including regular check-ups, preventive care, and specialized services for age-related health issues. Additionally, making public spaces and transportation more accessible promotes the mobility of older individuals.

**Community Engagement and Social Activities:** Promoting community engagement and social activities specifically for seniors contributes to their mental and emotional well-being. Establishing senior centres, clubs, parks and recreational programs encourages social interaction, reducing isolation and loneliness that often experienced by the most of the elderly.

**Policy that Support elder care:** Society can advocate for policies that address the specific needs of the elderly, including social security, healthcare provisions, and elder-friendly infrastructure. Active involvement in activism for the rights of seniors can lead to the development and implementation of policies that enhance their overall living conditions in the society.

**Education and Skill Development:** Encouraging evolving education and skill development for the elderly helps them stay mentally active and engaged. Society can facilitate opportunities for learning and skill enhancement, enabling older individuals to participate actively in various field of life that helps them to stay active and healthy.

### **The impact of Western influence on Indian culture.**

In the Western culture, how we take care of older people is influenced a lot by western culture. It has some good and some not-so-good parts. In Western countries, we really like the idea of people being independent and doing things on their own. So, we have places for seniors to live where they can make their own choices and be independent, like living on their own terms and conditions and retirement communities. But there are challenges too. In the West, families are often not living close to each other, and many people move around a lot. This makes it harder for families to take care of their older members like they used to. Because of this, more older people end up getting help from professional caregivers or living in special homes for seniors. Which can make them feel lonely. Another thing is that in the West, we really like to celebrate being young and active. This can sometimes make older people feel left out or less important. It also affects how society thinks about and treats older people. So, even though we like independence, finding the right balance between doing things on our own and still having strong connections with family, elders and and community is something we're still working on in the Western way of doing things for older folks.

### **Challenges:**

- Elder Abuse<sup>12</sup>: The rise in elder abuse is a significant challenge, Needs legal measures and societal awareness to safeguard and protect the elderly from exploitation, abuse, negligence, and mistreatment.

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<sup>12</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4767151/s>

- **Changing Societal Structures:** Globalization and sociocultural changes have led to shifting family dynamics, with traditional joint family support systems. This transformation poses challenges in ensuring that the elderly receive adequate care, love and support within evolving family in itself.
- **Old Age Home Surge:** The increase in the number of old age homes suggests a growing challenge in maintaining familial connections and providing a nurturing environment for senior citizens. Addressing the root causes of this problem requires a comprehensive understanding of societal changes and their impact on elder care.
- **Effectiveness of Legal Frameworks:** Despite the existence of legal frameworks like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, their effectiveness is under scrutiny. Reviewing and addressing gaps in these legal provisions is essential for ensuring the well-being of senior citizens.

### **Road ahead:**

#### 1. Enhanced Implementation of Existing Acts:

- Strengthen the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by addressing gaps and streamlining procedures.
- Conduct regular reviews to ensure the effectiveness of the legal framework in safeguarding the rights, well-being, and dignity of senior citizens. Like: positive ageing week local heroes exhibition etc<sup>13</sup>.

#### Awareness and Education Campaigns:

- Launch nationwide awareness campaigns to educate the public about the rights of senior citizens and the legal consequences of elder abuse.
- Introduce educational programs in schools and communities to instil values of respect, love, care and support for the elderly. Like: older not over, loneliness awareness week etc, positive ageing week local heroes exhibition etc<sup>14</sup>.

#### Expansion of Support Services:

- Expand the network of old age homes and improve their quality, ensuring that they serve as supportive and dignified environments for senior citizens.
- Strengthen healthcare services for the elderly, with a focus on health care and specialized medical facilities. Like: low maintenance insurance for elders etc.

#### Community-Based Support:

- Encourage the establishment of community centres, clubs, parks and recreational programs specially for senior citizens, promoting social interaction, reducing isolation and loneliness.

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<sup>13</sup> <https://www.decadeofhealthyageing.org/about/secretariat/progress-report-2023?searchQuery=progress+report>

<sup>14</sup> <https://www.decadeofhealthyageing.org/about/secretariat/progress-report-2023?searchQuery=progress+report>

- Encourage cross- generational relationships by creating platforms for shared activities between different age groups. Like: Take them out for outing, making time for them to talk for at least 1hour in a day.

#### Economic Empowerment:

- Enables opportunities for continued employment or volunteer work for senior citizens, promoting economic independence and self-sustainability.
- Advocate for policies that recognize and value the skills and experience of older individuals in various sectors.

#### Addressing Sociocultural Changes:

- Conduct research to understand the impact of globalization and sociocultural changes on familial support structures for the elderly.
- Develop initiatives to bridge the gap between traditional values and evolving societal dynamics, promoting a balance that ensures the well-being of senior citizens. Like: sharing mythological stories naturally instils the values of respecting and caring for elders, treating one's own parents similarly as people tend to mimic what they witness.

#### Evaluation of Western Influences:

- Assess the positive and negative impacts of Western cultural influences on elderly care in India.
- Formulate policies that draw on the strengths of both cultural approaches, finding a balance between independence and familial connections. Like: living in joint family.

#### Continuous Examination of Societal Changes:<sup>15</sup>

- Regularly update and assess demographic trends and societal changes to anticipate the evolving needs of the elderly population.
- Collaborate with research institutions to conduct studies on the impact of societal changes on elder care and implement legal measures.

#### Governmental Collaboration<sup>16</sup>:

- Encourage collaboration between different levels of government to ensure a cohesive and comprehensive approach to elder care.
- Establish mechanisms for interdepartmental coordination and information sharing to address the multifaceted challenges associated with aging.

#### International Collaboration and Learning:

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<sup>15</sup> <https://www.nia.nih.gov/>

<sup>16</sup> <https://india.unfpa.org/en/news/india-ageing-report-2023-unveils-insights-elderly-care-challenges-and-solutions>

- Explore collaboration with international organizations and countries that have successfully implemented elder care policies. Like: Age action; Ireland, Ageing concern foundation etc
- Learn from global best practices to enhance and refine existing frameworks, ensuring that India remains adaptive to emerging challenges in elderly care. For example: The Japanese Government introduced the concept of “smart platinum society”, aiming for an “age free society” that promotes citizen to lead fulfilling lives spanning to hundred year life.

### **Conclusion:**

**As one embarks on the challenging journey of elder care in India,** a diverse approach is essential, by combining legal frameworks, cultural values, and global learnings. Grounded in the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, serves as a essential tool in safeguarding and protecting the rights and dignity of senior citizens. However, challenges persist, including elder abuse (physical, emotional and mental), changing societal structures, and the rise in old age homes, necessitating continuous evaluation and adaptation. The cultural tapestry of India, woven with stories like that of Shraavan Kumar, Ayub's dedication, and the teachings of Sikhism, emphasizes the inherent values of respect, love, and care for the elderly. These Echoes of our heritage remind us of a shared duty to the well-being of senior citizens, transcending religious and cultural boundaries. The influence of Western culture on elderly care in India introduces both positive and challenging aspects. While embracing independence, finding a harmonious balance with family connections remains a work in progress. This calls for a nuanced approach that integrates the strengths of both cultural perspectives, emphasizing independence while maintaining strong family and community bonds . Looking ahead, the road to enhancing elder care involves a comprehensive strategy. Strengthening the implementation of existing acts, launching awareness campaigns, expanding support services, and fostering community-based support are crucial steps. Economic empowerment, addressing sociocultural changes, and evaluating Western influences require careful consideration and adaptation. Collaboration at governmental, national, and international levels, along with continuous examination of societal changes, is vital for building a resilient elder care system. Drawing inspiration from global best practices, such as Japan's "smart platinum society," India can forge a path toward an age-friendly society. The collaborative effort of legal measures, cultural values, and international insights will cover the way for a future where senior citizens are not just protected but thrive in an environment that respects their wisdom, dignity, experience and contributions. "In a world where everyone is looking for someone to look after them, let us be the ones who look after the elderly." - Mother Teresa



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