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Ageing, Rights, and Social Justice: A Socio-Legal Study with Special Reference to Madhya Pradesh

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Abstract

The challenges faced by older persons due to various socio-economic changes and their implications for human rights have come under recent scrutiny in India. Older persons face many problems due to changing family structure, migratory trends, urbanization, and increasing life expectancy. Indian laws pertaining to older persons also have been enacted beyond the framework of filial responsibility. Older persons can now claim their legal rights to be maintained, receive medical care, and other protection and support through laws and other legal provisions. The main law in this regard is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This paper analyzes the issues surrounding the protection of the rights of older persons from a socio-legal perspective and in the context of Madhya Pradesh. The paper examines the relationship between various legal safeguards, judicial interpretation and other social security systems operated by the state. The paper also analyzes the inter relationship between the provisions of the Constitution, laws and other legal safeguards. The study employs a qualitative approach to doctrinal research.

The study analyzes various aspects of the legal framework of India, such as maintenance, tribunals, protection of property, abandonment, and social security. It recognizes that the legal framework has enhanced the position of senior citizens. However, in the absence of effective implementation by the concerned authorities, sufficient legal protection may not be ensured. Recently, some judgments have assigned a beneficial and remedial nature to the Senior Citizens Act, and have also suggested that while enacting and interpreting laws for senior citizens, there should be a balance with other welfare legislation. The State of Madhya Pradesh also has rules and social security pension schemes, and issues relating to public awareness, economic conditions of beneficiaries, and the situation of family members, especially women, continue to remain. The study concludes that for the realization of the rights of senior citizens, a combination of legal protection and benefit, economic security and social security, and adequate health care, and a protective framework provided by the state and other stakeholders is necessary.

Keywords

Ageing; Senior Citizens; Social Justice; Human Rights; Madhya Pradesh; Maintenance and Welfare of Parents and Senior Citizens Act, 2007; Elder Rights; Social Security; Access to Justice; Maintenance Tribunals

1. INTRODUCTION

Aging is more of a social change than a biologic change. Biologic changes, like the increase in older persons, bring about changes in social/legal/d virtue realm, i.e. change in the family structure, change in the employment structure, change in the health and social security structure, change in the housing structure, change in the legal structure, etc. In a country like India, the change brought about by aging is socially and culturally more relevant, given that the Indian family has traditionally been the primary care giver of the elderly. However, in the recent past, because of social, economic and other changes, the traditional family structure has also undergone modification.

In the process of modernization, for instance, urbanization, a more fragmented family, smaller family size, larger physical distance between the various members of the family, more and varied employment, both formal and informal, have all changed the responsive nature of the family. These have led to a situation where the family is no longer in a position to fully protect older persons. Due to these changes, the Indian

state has adopted a multi-pronged strategy towards the protection of the interests of older persons. The strategy utilizes the constitution, the statutes, case law, social security and other welfare programs and social administrative services.

The enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was undoubtedly the most notable development in the field of legislation relating to elder care. The long title of the Act indicates that it aims at introducing more adequately provisions of law for the maintenance and welfare of parents and senior citizens. (India Code)

The Act 2007, provides for establishment of a statutory framework of procedure for the Courts for the purpose of order of maintenance of parents and senior citizens. It provides for establishments of Maintenance Tribunals, appeals, legal services, medical services, old age homes, protection of person and property, abandonment and transfer of property of senior citizens. (India Code)

Thus, the Act 2007, embodies several social welfare measures and is evidently a wide ranging social welfare legislation. It has been recognized by the Legislature that it is often necessary to provide for maintenance of senior citizens by legal means. It is significant that, the Act, 2007, provides for legal remedy to senior citizens and parents, who are economically dependent on their children and relatives. (Indian Kanoon)

It is generally accepted that, where economically dependent older persons are cared for by their family members, such an arrangement may make the older persons more vulnerable to various abuses. There are often issues concerning property and inheritance. Older people may give away their property to their children or relatives in order to be cared for in their old age. If the care is not provided, disputes occur with regards to the ownership of the property and the right to reside in the property. The Senior Citizens Act, 2007, provides for such cases with respect to transfer of property and the expectation of care. (India Code)

There are many social and legal issues with the implementation of these laws. Often, the legal rights of older persons conflict with the legal rights of other members of the family. The court has taken the view that the provisions of the Senior Citizens Act, 2007, must be read with other social welfare laws and integrated with other laws for the protection of women and children.

The judgement in S. Vanitha v Deputy Commissioner, Bengaluru Urban District, is an example of such an approach. The Senior Citizens Act provides for the protection of social and legal rights of older persons and must be read in harmony with other laws for the protection of social and legal rights of other persons including women.

Urmila Dixit v Sunil Sharan Dixit is an example where the court took a similar view on the Senior Citizens Act. (Indian Kanoon)

Madhya Pradesh provides an important context for examining these issues. The State has adopted the Madhya Pradesh Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 under the central legislation.

The Rules outline how various provisions of the Act will be enforced in the State, including the setting up of Maintenance Tribunals. (Indian Kanoon)

Various social security schemes are also operated by the State for socially vulnerable groups. The Madhya Pradesh Social Justice and Disabled Persons Welfare Department administer the following Social Security schemes- Samagra Social Security Pension Scheme and Indira Gandhi National Old Age Pension Scheme. (Social Justice Department)

Persons aged 60 years and above who are indigent are entitled for social security pension. Old age persons are provided social security by the State. This study seeks to evaluate whether the legal and social security frameworks of the State integrate to realize social justice for older persons. (Social Justice Department)

The principal objective of the study is to assess the extent to which senior citizens of the country in general and of Madhya Prdesh in particular, are safeguarded in their rights to dignity, economic security and justice by legal frameworks and other supporting systems. The study is focused on the integration of the following systems- Social security, Legal System, and Protection of Property.

2. LITERATURE REVIEW

Researches on ageing in India are multi-disciplinary. Generally, the papers on ageing cover demographic, sociological, economic, medical and legal aspects. The studies show that the process of ageing is accompanied by social transformations and can be observed in the dynamics of the family structure, economy, health and social relations and includes legal aspects. However, there are many unanswered questions in the field of socio-legal studies.

2.1 Ageing and Changing Family Structures

Historically, extended Indian families have cared for senior members through joint family systems. However, in recent years, various economic and social changes have affected family systems, making support by family members less reliable.

Sometimes, older parents to do not have the support of their adult children because the children have moved away for employment or education. Additionally, changing family values and larger focus on smaller units have also diminished the support system for older persons.

Many of the changes in family systems created an ethical dilemma for the government to provide for older persons, especially when the support systems created by families have broken down. This is the main reason the Indian government passed the Maintenance and Welfare of Parents and Senior Citizens Act of 2007.

The Act shows the Indian government's commitment to change the focus of caring for older persons from being the responsibility of families to being the responsibility of the government.

2.2 Ageing and Social Justice

Social justice means the recognition of the rights of individuals to: dignity; equality; participation; recognition; and access to judicial remedies.

Age-related disadvantages are manifold. Older persons may suffer from discrimination based on their age in conjunction with other factors such as economic status, gender, disability, marital status, residence and social security.

Social justice means analysis of obstacles that prevent older persons from enjoying their rights. Merely recognizing rights of older persons in legal documents brings little benefit to older persons if they cannot gain access to the institutions which are empowered to implement the rights.

2.3 Rights-Based Approach to Senior Citizens

A rights-based approach and a welfare approach are two different methods of addressing the same issue.

A welfare approach focuses on providing State support to people in need, and older persons are viewed as beneficiaries of State support under this approach.

A rights-based approach focuses on the ability of individuals to enforce their claims through the remedies available in the law against the State and, in certain cases, against other persons.

The Senior Citizens Act, 2007 integrates both the approaches. The Act creates obligations on family members towards older persons, and mandates State authorities to form welfare and protection mechanisms for older persons.

The Act thus enables legal scrutiny in the field of gerontology.

2.4 Maintenance Rights

Aging populations require special attention to maintenance.

The Indian Senior Citizens' Maintenance Act, 2007 provides that if a senior citizen is unable to maintain themselves from their earnings or property, they can apply to the Maintenance Tribunal for an order for their maintenance. (Indian Kanoon)

This Act recognizes that financial dependency of a senior citizen poses a threat to their dignity.

The order granted by the court is not restricted to the economic conditions of a senior citizen. It extends to other conditions necessary for the senior citizen to live a normal and dignified life, including the right to food, right to adequate living conditions and right to health.

The Court has also stated that the purpose of the maintenance provisions is to protect the dignity of senior citizens and provide a remedy to them in case of any mishap. (Sci API)

2.5 Property Rights and Elder Vulnerability

Home ownership is a primary form of financial security for many older persons.

For many older persons, their home is their primary, if not only, financial asset. Transfers of property to family members or others may be made in the expectation of being cared for.

The protection of the expectation of care and support of senior citizens, provided by means of the transfer of property, is contained in Section 23 of the Senior Citizens Act (India Code).

In recent years, the courts have relied on property-related law to examine the nature of maintenance.

It has recently been held that while a claim for maintenance and the remedy for transfer of property provided in Section 23 may be inter-related, they may be distinguished from each other. (Indian Kanoon)

This distinction is important because senior citizens may require protection even where a conventional maintenance proceeding has not previously been initiated.

2.6 Elder Abuse and Abandonment

Elder abuse represents another important area of concern.

Abuse can take many forms such as physical or psychological violence, or financial or emotional neglect and abandonment.

Certain Indian laws protect senior citizens from abuse and neglect and enforce the legal consequences on abusers.

However, in the absence of abusers in the extended family, legal recourse against intra-familial abuses remains inaccessible.

This creates an ethical and legal paradox.

A senior citizen may have the right to legal protection against abuses, but may be emotionally and financially dependent on the abuser for shelter and basic necessities of life.

Thus, the elderly has to resort to alternative means of protection from abuses other than family.

2.7 Gender and Ageing

Women and men experience aging differently.

Women are more likely to experience economic inequalities as a result of aging, especially because of greater inequality in the labor market, persistent gender pay gaps, and lower rates of women's land and property ownership.

This is compounded by women's longer life expectancy, which increases the likelihood that they will be widowed.

Because of all of this, senior citizen policies must take into account the different situations women face.

In addition, senior citizen policies must be consistent with other nondiscriminatory laws and policies, and with other protective disability laws. In the case of S. Vanitha, the Supreme Court ruled that if senior citizen laws were to be enacted, they must consider that there may be other persons in the household with equal claim to the protections of the law.

2.8 Social Security and Economic Independence

Social security programs can help reduce reliance on family members.

There are several social-assistance programs identified by the government of Madhya Pradesh, including the Samagra Social Security Pension Scheme and Indira Gandhi National Old Age Pension Scheme (Social Justice Department).

The Social Security Pension program of the state provides old age pension to persons of 60 years of age and above who are indigent and do not have any means of livelihood (Social Justice Department).

Programs of social security provide protection to persons when the legal provisions for maintenance by the family members are not adequate or in the absence of family members.

2.9 Access to Justice

The success of senior citizen law depends on how accessible the justice system becomes.

The Act sets up Maintenance Tribunals and provides for appeals. The Madhya Pradesh Rules provides the state level framework to set up the requisite institutions. (Indian Kanoon)

Availability of institutions may not always guarantee accessibility.

Older persons may encounter:

lack of legal awareness;

financial limitations;

mobility constraints;

dependence upon family members;

procedural difficulties;

geographical barriers; and

fear of damaging family relationships.

Therefore, accessibility must be considered as an essential component of senior-citizen rights.

2.10 Research Gap

The existing research shows the role of various social support systems and the legal framework. However, there are significant gaps between legal frameworks and their social context.

There is a particular need for research that integrates:

legal rights + family responsibility + economic security + property protection + institutional access. This research will address the lack of socio-legal analysis on the implementation of laws in Madhya Pradesh by including it in the body of analysis.

3. METHODOLOGY

The study adopts a qualitative doctrinal socio-legal methodology. The research is based primarily on secondary sources, including:

1. legislation;
2. constitutional provisions;
3. judicial decisions;
4. Madhya Pradesh rules and government materials;
5. official social-security information;
6. academic literature; and
7. relevant policy documents.

This research examines the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, that governs maintenance and establishment of tribunals, appeals, legal services, etc. (India Code)

The Act provides for rules at the state level and this study examines the Madhya Pradesh rules 2009. (Indian Kanoon)

Recent judgments have been reviewed to see the extent to which the courts have extended the protection to senior citizens. Special focus has been on Urmila Dixit v. Sunil Sharan Dixit and S. Vanitha v. Deputy Commissioner, Bengaluru Urban District. Judgments on maintenance and orders on protection of property have also been reviewed.

The focus is on the Social Assistance and Social Security Pension Schemes of the state of Madhya Pradesh, especially on materials available at the Social Justice and Disabled Persons Welfare Department of the state. (Social Justice Department)

The research follows a thematic analytical framework based on four dimensions:

economic security;

maintenance and family responsibility;

property and protection against exploitation; and

access to justice and institutional remedies.

The methodology is doctrinal and interpretive. No primary surveys or fabricated figures are included. Therefore, these results are legal and institutional rather than estimating elder abuse and pension exclusion cases.

4. RESULTS

4.1 Statutory Protection Has Expanded the Rights of Older Persons

The first major finding is that legal frameworks have moved beyond a welfare-state approach to old age.

The Senior Citizens Act embodies a number of legal claims to maintenance, as well as provisions for state institutions through which such claims may be enforced.

The Act establishes special tribunals to consider claims for maintenance of older persons, as well as appellate authorities.

Thus, the legal structure of the country provides for Older Persons as person who may invoke their legal rights to various forms of judicial relief.

4.2 Maintenance Is a Legal Obligation, Not Merely a Moral Expectation

The second thing the study found was the law in question transforms a family responsibility into a legal duty in certain cases.

The law states that certain senior citizens and parents can apply to court for an order directing their children or relatives to provide them with maintenance. The object of the law is to enable senior citizens to enjoy social dignity and lead a normal life.

This law shows the growing recognition of the family responsibility by the Indian legal system. Previously, the State has enacted laws to provide for family responsibility in a vague and general manner. The new law focuses on legal accountability to fulfill family responsibility.

The Court has stated that support of parents is a responsibility of children and deserves to be enforced by the court.

4.3 The Law Recognises Property-Based Vulnerability

Property protection is an important aspect of the law for the elderly.

Section 23 provides for the situation where property is transferred to a person who, at a later date, does not provide the elderly person with the basic physical needs and goods. (India Code)

The presence of this situation in the statute recognizes that, in some cases, the senior citizen may transfer his/her/his property to another person under the assumption that the transferee will, at some point in the future, provide care to the elderly.

The relationship between property remedies and maintenance has been broadly interpreted by the courts.

It has been established that an application for a property remedy will not be dismissed on the ground that the senior citizen has not filed an application for a maintenance order. (Indian Kanoon)

Thus, the focus of the act is on the care and protection of the elderly.

4.4 Madhya Pradesh Has a Formal Institutional Framework

The fourth point states that Madhya Pradesh has created a legal procedure to implement laws for older persons.

The Madhya Pradesh Rules, 2009, have been enacted under the Central legislation. The State policy provides for Maintenance Tribunals to decide cases on maintenance. (Indian Kanoon, 2021)

Thus, it can be inferred that the legal structure for older persons is not restricted to laws enacted by the central government.

In the absence of necessary State institutions, it would not be possible to give effect to the rights and benefits provided by the statutes.

4.5 Social Security Complements Family-Based Maintenance

Finding Five is that the social-security programs of Madhya Pradesh complement the family maintenance programs.

The Department of Social Justice and Disabled Persons Welfare implements several social security pension programs such as the Samagra Social Security Pension Scheme and Indira Gandhi National Old Age Pension Scheme.

The social security pension programs of Madhya Pradesh provide old age pension to individuals of 60 years of age and above, if they are unable to support themselves.

Hence, both the schemes are running in parallel.

family-based legal responsibility + State-supported social security.

The two should not be understood as alternatives. Social security can reduce the intensity of family dependency, while maintenance law provides protection where family support becomes inadequate.

4.6 Access to Justice Remains Central

Sixth, having legal protection does not necessarily mean substantive protection. Older people may be denied protection in practice even if they are legally entitled to it.

This is usually the case when the complainant is a child or relative.

Fear of negative social and psychological consequences of legal process may discourage an older person from instituting legal process.

The outcome of the process may depend on the sensitivity of the personnel, and support of the family and society.

4.7 Judicial Interpretation Has Strengthened the Beneficial Character of the Act

The seventh finding is about the function of judicial interpretation.

In Urmila Dixit v. Sunil Sharan Dixit, the Supreme Court noted the Senior Citizens Act provides a means for the courts to protect the rights of elderly citizens and to facilitate the enforcement of the provisions of the Act. The Court also observed that the duty of the courts is to foster, and not hamper, the objectives of the Act. (Indian Kanoon)

This viewpoint contributes towards the growing emphasis on the protection of substantive rights in the field of statutory interpretation. It acknowledges that elderly persons have the right to judicial protection. Where such rights conflict with other legal rights, the courts have adopted a two-fold approach. protection of senior citizens + balancing of competing rights.

4.8 The Senior Citizens Act Is Not an Isolated Welfare Law

The final finding is that senior-citizen legislation operates at the intersection of several branches of law. It involves:

family law;

property law;

constitutional law;

social-security law;

administrative law;

criminal law; and

human-rights principles.

This shows why aging is a socio-legal, rather than a doctrinal, issue. The achievement of legal protection of the elderly is possible only through the integration of legal instruments and the socio-structural conditions of the environment.

5. CONCLUSION

The process of growing older in India brings into question a number of issues including one's legal and human rights, self respect and prestige, adequacy of income, and social fairness. Older persons have historically had to rely on their own children for their support. Now, however, older persons have the right to seek legal support through state-sponsored institutions.

The enactment of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, codified this institutional change. The Act established several maintenance tribunals, and outlines the procedure for State-sponsored legal services, orders for the protection of the persons and their properties, and Orders to restrain abandonment. The Act permits older persons to seek maintenance from their children through a civil court action. (India Code)

It should be noted that the Act is responsive to the situation when older persons, because of inadequate support of their children, become vulnerable.

The study noted that maintaining the dignity of older persons is as important as providing financial support to meet the basic needs of older persons. Further, the protective provisions of the Act related to older

persons' properties are also appreciated, particularly because older persons' properties are their principal means of support.

It has also been held that the Courts should interpret the Act liberally to give effect to the Legislative intention of providing social security to older persons. (Indian Kanoon)

While the Act is designed to give primacy to older persons, other statutory persons, however, must also enjoy similar benefits. The S. Vanitha case illustrated that some equilibrium must be struck between the competing interests of older persons, other statutory persons and the general public.

The example from Madhya Pradesh is illustrative at the state level. In 2009, the state enacted the Maintenance and Welfare of Parents and Senior Citizens Rules and created the necessary systems to implement these Rules.

Additionally, Madhya Pradesh has other social protection mechanisms through the Department of Social Justice and Welfare of the Disabled. The social security mechanisms include the Samagra Social Security Pension and the Indira Gandhi National Old Age Pension.

From these mechanisms, it is evident that old persons' social security is not limited to family maintenance.

Nevertheless, the main issue is the wide gulf between the legal and policy frameworks, and the enjoyment of these rights by older persons.

There are many barriers to older persons, even with the establishment of welfare institutions and old persons' tribunals, old persons' property rights protection, and social security pensions. There are many cases in which older persons do not have the means, legal awareness, or the capacity to exercise their legal rights. This includes the inability of older persons to pay for legal services, as well as older persons' lack of suitable alternatives to their current place of residence.

The impact of aging laws should be measured by the degree to which older persons are able to access the benefits and legal remedies provided to them.

Aging brings a greater need for State protection and welfare, and an appropriate interrelation of the family, law, health, social security and community care services, becomes necessary.

However, for Madhya Pradesh, a range of interrelated measures aimed at improving the accessibility of State welfare and legal services for the elderly, and enhanced integration between the welfare and legal services, would improve the position of the elderly in society.

Of prime concern is protection of the property rights of the elderly, as well as their right to a means of livelihood and to access the legal system.

The emphasis of future reforms to the law on the elderly should be to better protect their rights as citizens, and not to merely provide state welfare to the elderly. The aim of the reforms should be to protect the rights of the elderly to liberty, dignity and security, and to provide them with access to the legal system.

Declarations

Ethics Approval and Consent to Participate

The study protocol was reviewed and approved by the Centre Coordinator, National Institute of Fashion Technology (NIFT), Raebareli (Approval No. AD/R1/2025–2026). The study involved non-invasive ergonomic assessments and was conducted in accordance with the ethical principles of the Declaration of Helsinki. All participants were informed about the purpose and procedures of the study and provided written informed consent before participation. Participation was voluntary, and participants were free to withdraw at any stage. All collected data were anonymised and handled confidentially.

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Conflict of Interest Statement

The authors declare that there is no conflict of interest associated with this study. This research did not receive any specific grant from funding agencies in the public, commercial, or not-forprofit sectors.

Data Access Statement

The data supporting the findings of this study are available from the corresponding author upon reasonable request.

Consent for Publication

Not applicable. The manuscript does not contain identifiable personal information, images, or other materials requiring individual consent for publication.

Author Contributions

All authors contributed to the conception and design of the study, interpretation of the findings, preparation and critical revision of the manuscript, and approval of the final version for submission.

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