

## Maintenance and Welfare of Parents and Senior Citizens Act, 2007: A review paper

Sukriti Pathak

Assistant Professor, Faculty of law, ISBM University, Chhattisgarh, India

### Abstract

This paper undertakes a critical Interpretation of the statutory framework governing the welfare and maintenance of senior citizens in India, focusing on the objectives, scope, and practical functioning of the 2007 Act. It examines the role of Maintenance Tribunals, safeguards against economic exploitation, provisions relating to cancellation of property transfers, and judicial pronouncements that have expanded the protection of elderly rights. It also analyses the interaction with other legal remedies, including criminal law and domestic violence legislation. Despite its progressive intent, the research highlights persistent challenges such as lack of awareness, procedural inefficiencies, inadequate enforcement, and limited legal responses to emotional and psychological abuse.

**Keywords:** Senior citizens, maintenance, elder abuse, MWPC Act, elderly rights, India

### Introduction



The world is seeing a change in the population. More people are getting older. This is happening because of medical care and people having fewer babies. As a result there are older people in the world now. Countries need to make changes to help these people. They need to improve the way they provide support and healthcare. They also need to make new laws to help people. India is a country that used to have a lot of people. Now India is also seeing a lot of older people and this is a big change, for the country. The number of people who're sixty years old and more is going up all the time. This is making people worry about the security of older people and if they can get good healthcare and if they are included in society and if they are protected by the law. The financial security of people is a big concern and so is their healthcare access and social inclusion and legal protection of older people.

In India elderly people have always been treated with a lot of respect. For a long time the Indian family system was such that everyone lived together. This meant that parents and elderly people were taken care of by their family.

Indian people were taught to respect their elders from an age. This was not about being a good person but also about following Indian culture and religion. Taking care of parents was seen as something that children should always do.

There are stories and customs that teach Indian people to be grateful to their parents and take care of them. Children are taught that they should always look after their parents no matter how old they get. This is an important part of Indian culture and family values. Elderly people, in India have

always been treated with a lot of respect and care. The State did not do much to help take care of people because it was thought that their families would be able to take care of them. The States role, in care was pretty small. Elderly care from the State remained limited because people believed that the family would be able to give them the support they needed.

Things have changed a lot in the few decades. The way people live and work has changed fast. Because of things like people moving to cities factories being built and the world becoming more connected Households are becoming more divided as families live apart. like they used to. The old way of a family living together is slowly falling apart. The family system where many people lived together is disappearing because of these changes, like urbanization, industrialization and globalization and also because people are moving to places, for work. The The count of individuals living in families is going up and Plenty of younger people are moving to cities or other countries. More women are also working now. Because of these changes it is getting harder for senior citizens to get the help they need from their families. Senior citizens are facing a lot of problems today. They are being neglected, abandoned. They are very lonely. They have to depend on others for money. They are very sad.

Many Older people are being treated badly. They are frequently hurt physically they are being. They are frequently mistreated financially. This is often happening within their families. Aged individuals are being abused by

their family members. People in their old age are facing a tough time and they need our help and support.

Older adults are in a tough spot. Their health is not what it used to be. They lack a lot of money coming in. A lot of people in India do not have a safety net to fall back on. Many older people in India work in jobs that're not stable and they do not have things like pensions or insurance to help them. They have to rely on their family for help which can be very hard. Older people like the citizens have to depend on their children or other family members just to get by. This can be Not good for them because it makes them vulnerable, to being taken advantage of and not treated well. The elderly citizens are often. Abused which is particularly sad. We need to make sure that older people are protected. This is why we need laws and rules to help them. It is important that we ensure that these laws and rules are actually enforced. Older people need to be safe. We have to make sure that happens. The laws and rules ought to be good. They are required to work for older people.

The Indian State is striving to help people. They are doing this because they know it is hard for old people to take care of themselves. The Indian State is using laws and policies to help people.

According to the Constitution of India, the government does not have to take care of parents and old people. It does say that the State should help old people. This is, in Article 41 of The supreme law of India. Article 41 says that the government ought to make sure old people get the assistance they require when they are old or sick or cannot work. The Indian State has to make sure old people get this help. Additionally, judicial interpretation of Under Article 21, the fundamental right to life and personal liberty now extends to the right to a dignified existence. This constitutional recognition of dignity forms the normative foundation for laws aimed at protecting the elderly.

### Legislative Objectives

The legislation known as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 <sup>[5]</sup> (MWPSA Act) marked a milestone in India's socio-legal framework, reflecting the State's awareness of the difficulties faced by elderly individuals. With increasing cases of neglect, abandonment, economic exploitation, and abuse for ageing citizens, The ruling authority in India acknowledged the urgent necessity for a statutory mechanism to uphold the entitlements and care of elderly individuals and parents. Prior to the MWPSA Act, the remedies available to senior citizens were scattered across general provisions such as Section 125 of the CPC 1973, which provided limited relief primarily through criminal maintenance claims, or through civil law remedies under guardianship and succession statutes. These existing provisions were inadequate to respond to the wide-ranging challenges encountered by older persons, as the existing approach failed to fully cover concerns such as property misuse, delays in upkeep and support, and the lack of adequate institutional welfare mechanisms."

The primary legislative intent behind the MWPSA Act was therefore "to establish a comprehensive and unified legal framework aimed at ensuring the maintenance, protection, and overall welfare of parents and senior citizens in India. In essence, the Act sought to combine moral obligations rooted in Indian cultural traditions with enforceable legal duties, ensuring that societal respect for elders translated into

tangible legal safeguards. The Act enshrines multiple objectives, which can be understood as both remedial and preventive, aimed at protecting elderly citizens from neglect and ensuring that the needs crucial to them are adequately fulfilled.

### 1. Ensuring Basic Needs: Shelter, Food, and Medical Care

A critical legislative objective of MWPSA Act is the facilitation of essential needs for elderly citizens, encompassing shelter, nutrition, and healthcare. Section 4 explicitly obligates heirs to safeguard access for senior citizens to access to sufficient food, clothing, and accommodation, coupled with necessary medical attention. Recognizing that financial incapacity is a major contributor to elder vulnerability, the the Act protects the well-being of senior citizens so they are not abandoned destitute, even in scenarios where familial support is absent or inadequate. Furthermore, the Act extends the responsibility beyond immediate financial maintenance, acknowledging that elderly persons may require long-term care and medical supervision due to age-related ailments. By codifying these obligations, the legislation aligns with global principles of elder care, as the UN guidelines for older persons (1991) and the WHO Global Strategy on Ageing and Health, which emphasise the right of elderly individuals to adequate care, health, and social inclusion.

### 2. Ensuring Protection of Senior Citizens from Economic Misuse

The older people in India are often taken advantage of in ways. People try to get them to give up their property or sign papers when they don't want to. Occasionally, they are told that their needs will be taken care of if they do this.

According to Section 23 of the MWPSA Act there are courts Able to determine outcomes for property. These courts can say that a property transfer is not valid if it was only done because someone promised Although responsible for taking care of the person, they didn't fulfill their duty.

This rule is in place To ensure people are not taken advantage of and to make sure they have the money and things that are rightfully theirs. The older people, in India Ought to be protected from people who try To make use of unfairly the population and their money.

The Act thereby establishes a balance between maintaining property autonomy for elders and enforcing their rights to care. By legally recognising economic exploitation as a form of elder abuse, the legislation strengthens the remedial framework, securing the well-being of senior citizens by ensuring they are protected from coercive or unfair practices within familial and social contexts.

### 3. Integration with Other Legal Provisions

The MWPSA Act also interacts with other statutory frameworks to deliver all-encompassing protection. For example, courts often harmonise its provisions in conjunction with Legislation enacted in 2005 to safeguard women from domestic violence to address emotional and psychological abuse. Judicial pronouncements, for instance, in *Smt. S. Vanitha v. Deputy Commissioner* (2020), the judgment emphasised that the Act should be understood in a manner that enhances dignity and protection for elders, highlighting the interplay between constitutional values, statutory mandates, and judicial oversight.

**4. Holistic Objectives: Remedial and Preventive**

In summary, the legislative objectives of the MWPC Act are both remedial and preventive. Remedial aspects focus on providing legal recourse to elders for maintenance claims, enforcing property rights, and safeguarding against neglect. Preventive aspects include promoting awareness, establishing welfare facilities, and pre-empting exploitation through statutory obligations. Together, these objectives aim With the aim of make certain Enabling older adults to live with dignity, financial security, together with access to basic necessities, regardless of family circumstances or socio-economic status.

**5. Challenges in Achieving Legislative Objectives**

While the objectives are comprehensive, achieving them in practice faces certain challenges:

- **Awareness Gap:** Many senior citizens lack awareness of the safeguards provided by the Act, preventing them from seeking tribunal assistance.
- **Procedural Delays:** Administrative inefficiencies and resource limitations in tribunals delay justice.
- **Emotional Abuse:** Non-financial abuse remains inadequately addressed.
- **Implementation Variation:** Enforcement varies across states due to differing administrative priorities.

Addressing these challenges is critical for realising the legislative intent of the MWPC Act and ensuring meaningful protection for India’s ageing population.

**Review of Literature**

**1. Doctrinal and Socio-legal Analyses**

Chattopadhyay & Singh (2023) [20] argue that the Act, despite its progressive design, fails to deliver substantive welfare outcomes without robust institutional backing and awareness campaigns. Their comparative study, juxtaposing the Act with the proposed Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 [33], highlights reform needs. DOI: 10.53555/kuey.v29i3.8571.

Rana & Singh (2024) [1] adopt a socio-legal perspective, observing that State intervention becomes necessary when moral and familial duties collapse under modern pressures. DOI: 10.53724/lrd/v8n3.3.

Issac *et al.* (2021) [2] critically examine maintenance ceilings and argue that arbitrary caps constrain justice delivery. DOI: 10.1177/02537176211043932.

Yadav, Pathak & Ganesh (2024) [3] focus on Section 23 and property rights, advocating balance between maintenance enforcement and safeguarding property interests. DOI: 10.1093/slr/hmae039.

**2. Implementation and Empirical Studies**

Empirical research (Raj & Galhotra, 2019) [17] suggests that awareness of the Act remains low among the elderly, limiting access to tribunals and social benefits.

Jani (2023) finds that procedural delays, limited old age homes, and administrative lapses significantly hinder effective implementation.

Sharma (2025) observes that emotional and psychological abuse is not adequately addressed by the current legal text.

**3. Judicial Interpretation and Case Law**

Judicial intervention has played a pivotal role:

- In *Baban Sukru Tambe versus Union of India* (Bombay High Court, 2025) [6, 7], the Court invalidated Section 17. (denial of legal counsel) as unconstitutional, strengthening access to justice for elders.

In the 2025 case of *Onkar Nath Gaur*, the Allahabad High Court held that Maintenance Tribunals cannot evict individuals on their own authority and require a legal sanction to do so. This decision is significant as it clarifies the scope of powers of Maintenance Tribunals and emphasizes that any eviction must be backed by proper legislation.

- The Kerala High Court made a decision in the year 2025. This decision said that only the legal heirs of citizens who Responsibility for their care extends to those who do not have children. The Kerala High Court judgment is very clear about this. It says that the Kerala High Court wants to make sure senior citizens who do not have children are taken care of by their heirs. The Kerala High Court decision is important for citizens, without children.

- **Supreme Court Eviction Case (2025):** Enforced eviction of adult son for neglecting ageing parents, underscoring dignity and maintenance obligations.

These judgments reflect evolving elder rights jurisprudence, enhancing protections while interpreting statutory gaps.

**Strengths**

Statutory Obligation	▪ Creates a statutory responsibility for maintenance, enabling enforcement against neglect.
Tribunal Mechanism	▪ Designed for speedier resolution than ordinary courts
Property Protection	▪ Section 23 deters exploitative transfers.
Welfare Measures	▪ Mandates that States provide old age homes and medical services.
Judicial Support	▪ Courts have reinforced elder rights through interpretation

**Conclusion and Suggestions**

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [5] is a significant piece of legislation in India that safeguards the rights of elderly citizens. It ensures that older adults are treated with respect and dignity and addresses the growing concern that family members are not providing adequate care for their elders.

So it tries to provide citizens with the help and services they need to be okay. The Maintenance and Welfare of Parents and Senior Citizens Act of 2007 [5] is, about making sure senior citizens get the support they need.

The Act was introduced As numerous families struggle to take care of their members anymore. This is because of modernisation and urbanisation and the fact that many

families are now families. The Act says that children So that care is provided by other members of the family of the Act the Act is very clear about this. Children and other family members are responsible, for taking care of their parents the Act is talking about the maintenance of parents.

The law set up something called Maintenance Tribunals to help citizens quickly. These Maintenance Tribunals are really helpful to citizens.

The importance of Section 23 lies in its protection against misuse or exploitation of citizens and their property. There have been court cases like Baban Sukru Tambe vs. Union of India that have made things better for adults and helped protect them. The law and these court cases are good for citizens because they help keep them safe, from people who might try to exploit them and their property.

Senior citizens still have a lot of problems. Many senior citizens do not know what their rights are or how to go to the tribunals. There are delays because there are not people working and not enough resources. The law mostly helps with money problems. It does not do a good job of protecting senior citizens who are suffering from being treated badly in a psychological or emotional way. Senior citizens are often afraid or their family puts pressure on them so they do not report these problems. Senior citizens need help with these issues. The law needs to do a good job of protecting senior citizens from psychological and emotional abuse.

#### To improve the Act

**Awareness Campaigns:** Inform seniors about their rights and tribunal processes.

**Tribunal Strengthening:** Enhance staff, infrastructure, and use of technology for faster resolution.

**Expanded Coverage:** Address psychological and social abuse alongside financial support.

Care should be taken to make sure that people have access to things that can help them. This is what Integrated Welfare Measures are about. It is like a safety net that connects protections with healthcare, pensions and services, for old-age homes. So Integrated Welfare Measures are important because they bring together protections and healthcare, pensions and old-age home services to support people.

A periodic review is necessary, which means regularly examining the law and updating it whenever required. We have to make sure the law meets the needs that come up. The law has to be updated so it works for people. That is why we do a Periodic Review of the law.

In conclusion, while the MWPC Act, 2007 provides a strong framework, its effectiveness depends on proper implementation, awareness, social support, and active judicial oversight to ensure that India's elderly population lives with dignity and security.

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