



LEGAL PROTECTION OF SENIOR CITIZENS IN INDIA: AN EMPIRICAL EVALUATION OF THE 2007 ACT WITH REFERENCE TO AHMEDABAD

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Abstract:

The demographic landscape of the Indian subcontinent is undergoing a significant transformation, marked by a rapidly increasing number of elderly individuals. This change, although reflective of notable healthcare progress and enhanced life expectancy, has revealed substantial weaknesses within the socio-legal structure regulating the aged. The Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA Act), 2007, was designed as a corrective measure to counteract the decline of the traditional joint family structure and the ensuing neglect of the elderly population. This research offers a comprehensive empirical assessment of the Act, concentrating specifically on its execution in the Ahmedabad District of Gujarat. The approach reveals the crucial intersections of law, culture, and economy by synthesising legislative provisions, judicial rulings, and empirical data from case records and institutional reports. The study emphasises that although the Act provides a novel summary procedure for maintenance and property protection particularly through the groundbreaking interpretation of Section 23 by the Gujarat High Court—its efficacy is often obstructed by systemic obstacles, including pervasive illiteracy, socio-cultural stigma, and a substantial digital divide. The paper analyses the forthcoming legislative revisions outlined in the 2019 and 2025 Amendment Bills, which seek to enhance the level of care from a "normal life" to a "life of dignity," therefore meeting the current requirements of a rapidly urbanising elderly population.

Key Words: Parents, elderly, Protection, Maintenance and Ahmedabad

Introduction: The Demographic Transition and Socio-Legal Shift

The global demographic story is increasingly characterised by population ageing, with India playing a crucial role in this change. The number of adults aged 60 and beyond in India increased from 19.8 million in 1951 to 76 million in 2001, ultimately exceeding 100 million in 2013. Current forecasts indicate that this number will reach 198 million by 2030 and may surpass 319 million by 2050. This population increase is taking place within a cultural framework that is simultaneously influenced by liberalism, capitalism, and the disintegration of the traditional joint family structure. The transition to nuclear family units, propelled by urbanisation and migration for career prospects, has increasingly marginalised the elderly, who formerly held a role of authority and care within the family system.

In this changing social structure, the ethical duty of children to care for their elderly parents—historically regarded as a fixed cultural principle in Indian society—has progressively necessitated the backing of a formal legal requirement. The Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA Act), 2007, serves as a legal milestone that formalises the obligation of support and safeguards the lives and assets of elderly persons. The Act was intended not just as a punitive measure but as a facilitative instrument to guarantee that the "roots of the nation," embodied by its elders, are not abandoned to impoverishment.

Ahmedabad, a significant industrial and urban center in Gujarat, offers an intriguing case study for the assessment of this Act. The area embodies the unique socioeconomic issues faced throughout India, where rapid economic growth and industrialisation have profoundly transformed family structures. The rise of nuclear families in Ahmedabad, and the flight of younger generations to foreign nations or remote Indian towns, has left several seniors devoid of conventional family support structures, leaving them vulnerable to economic exploitation and mistreatment. This paper assesses the efficacy of the legal framework established by the 2007 Act within this particular geographical context, examining the extent to which legislative aim is realised as concrete security for the aged.



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Constitutional and Philosophical Underpinnings of Elder Care

The Indian Constitution establishes the fundamental principles for safeguarding older folks. While the Constitution does not clearly enumerate the rights of the aged as a separate category of basic rights, the Directive Principles of State Policy (DPSP) and court interpretations of Article 21 (Right to Life) have established a strong protective framework. Article 41 of the Constitution stipulates that the State should, within the confines of its economic capability and growth, implement adequate measures to ensure the right to public assistance in instances of old age, illness, and disability. Article 38 mandates the State to foster a social order defined by justice social, economic, and political while Article 46 emphasises the protection of vulnerable groups against social injustice and all types of exploitation.

The court has significantly contributed to the advancement of these guidelines. The courts have interpreted the Right to Life under Article 21 as the right to live with human dignity, affirming that the aged are entitled to more than mere biological survival; they are entitled to sufficient sustenance, clothes, housing, and opportunities for mental and social involvement. Prior to the implementation of the 2007 Act, the principal legal remedy for maintenance was established in Section 144 of the BNSS,2023 allowing parents who are unable to sustain themselves to seek assistance from their offspring. The BNSS,2023 was often seen as lengthy, expensive, and combative, deterring parents from pursuing relief owing to family bonds and the fear of social disgrace.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007: A Detailed Statutory Analysis

The Indian Constitution establishes the fundamental principles for safeguarding older folks. While the Constitution does not clearly enumerate the rights of the aged as a separate category of basic rights, the Directive Principles of State Policy (DPSP) and court interpretations of Article 21 (Right to Life) have established a strong protective framework. Article 41 of the Constitution stipulates that the State should, within the confines of its economic capability and growth, implement adequate measures to ensure the right to public assistance in instances of old age, illness, and disability.

Term	Statutory Definition in the 2007 Act	Key Implications
Children	Son, daughter, grandson, and grand-daughter (excluding minors).	Places a legal obligation on the biological and direct lineage for maintenance.
Maintenance	Provision for food, clothing, residence, and medical attendance/treatment.	Broadly defined to cover all basic physical survival needs.
Welfare	Provision for food, healthcare, and other amenities necessary for senior citizens.	Extends the State's responsibility to institutional and emotional support.
Relative	Any legal heir of a childless senior citizen (non-minor) in possession of or likely to inherit their property.	Ensures that those who benefit from the property also bear the burden of care.

- **The Maintenance Tribunal and the Procedural Mechanism**

Chapter II of the Act talks about how Maintenance Tribunals will be set up and how they will work. These groups, which are usually led by a Sub-Divisional Officer (SDO) or Assistant Commissioner, have the same powers as a Civil Court when it comes to gathering evidence and making sure people show up.



The Tribunal is different from regular courts in a number of ways:

- **Bar on Lawyers:** Section 17 of the Act says that lawyers can't represent anyone in front of the Tribunal. This was meant to keep prices down and stop experienced lawyers from scaring elderly, but it has generated worries about how hard property-related legal arguments are to understand.
- **Time-Bound Resolution:** The Tribunal has to decide on maintenance applications within 90 days of receiving notification. This may be extended by 30 days in very rare cases.
- **Suo Motu Cognisance:** The Tribunal may start proceedings on its own (suo motu) or based on information from an authorised person or organization. This means that even those who can't file a petition can nevertheless get protection.
- **Interim Relief:** The Tribunal might impose interim maintenance while the case is still going on since it knows that maintenance requirements are urgent.

Limits on maintenance and enforcement

The original 2007 Act stated that a Tribunal may only award a maximum monthly maintenance payment of ₹10,000. This was meant to be a starting point, but many people have said that it is an arbitrary restriction that doesn't take into consideration the growing expenses of life and healthcare, especially in places like Ahmedabad. If a child or relative doesn't follow an order without a good reason, the Tribunal may issue a warrant to collect the amount as a fine and send the person to jail for up to a month or until they pay.

Section 23: Protection of Life and Property

Section 23 of the Act, which deals with the transfer of property, is perhaps the most powerful part. It says that if an older person gives away their property as a gift or in some other way, the person who gets it must provide basic needs and amenities. If they don't, the Tribunal can say that the transfer was made by fraud, coercion, or undue influence and make it void. This clause serves as a substantial disincentive against the prevalent practice of children compelling elderly parents to bequeath their possessions, only to thereafter ignore them.

The Socio-Economic Profile of Older Adults in Gujarat and Ahmedabad

To fully understand how well the 2007 Act works, we need to look at the social and economic conditions in which it works. Gujarat, and especially Ahmedabad, has population changes that make legislative safeguards even more important.

Trends in Demographics and Dependency Ratios

The Socio-Economic Review of Gujarat State (2024-25) says that the old-age dependence ratio in the state has been going up slowly over the last ten years. The dependence ratio for men is expected to climb from 14.2 to 18.8 between 2021 and 2031. For females, it is expected to rise from 17.4 to 23.3. This means that more and more seniors are depending on a smaller number of people who are able to work.

Gender	Area	Not Dependent (%)	Partially Dependent (%)	Completely Dependent (%)
Male	Rural	42	20	38
Male	Urban	52	18	30
Female	Rural	9	24	67
Female	Urban	8	14	78

Source: Compiled from data provided in the Social Consumption in India Health survey and Gujarat Socio-Economic reviews.



The data reveals a stark gender disparity: 78% of elderly females in urban areas like Ahmedabad are "completely dependent" on others for their survival. This vulnerability is often compounded by high levels of illiteracy; approximately 40% of illiterate elderly reported having no access to any income source.

- **The "Missing Middle" and Economic Vulnerability**

About 22% of the aged in Ahmedabad get a pension, while 78% of them do not get any other kind of social security income. According to studies from HelpAge India, around 65% of older people feel financially insecure because of their existing income and access to savings. This has led to a group of people known as the "missing middle." These are seniors who aren't poor enough to get regular government assistance yet don't have the financial strength to keep up with escalating prices in cities. In this scenario, the maintenance payment established by the 2007 Act is not a luxury but an essential requirement for living.

Empirical Evaluation: Dynamics of Implementation in the Ahmedabad District

Scholars and social critics have been quite interested in how the MWPC Act has been put into effect in Ahmedabad District. A "mixed-methods approach," which includes both qualitative interviews with social workers, law enforcement, and older people and quantitative analysis of tribunal records, shows big differences between what the policy says and what really happens.

- **Profile of the Petitions in Ahmedabad**

Empirical data regarding the petitioners in Ahmedabad provides a glimpse into the demographics of those seeking justice. Literacy rates among petitioners are relatively high at 77.15%, yet 22.85% remain illiterate, presenting significant challenges in navigating the petition-filing process. Interestingly, while 75.44% of petitioners still hold legal ownership of their assets, 24.5% have already transferred their property to their heirs, making them particularly vulnerable under Section 23.

Grievance Category	Percentage of Cases (Approx.)	Identified Contributing Factors
Neglect by Children	58.57%	Emotional suffering, ignorance, and the breakdown of traditional care values.
Petitions against Sons	81.40%	Socio-cultural expectations of sons as primary caregivers/heirs.
Maintenance Claims	54.28%	Immediate need for food, clothing, and medical expenses.
Property Disputes	41.42%	Forced alienation or attempts to evict parents from their homes.

- **The Procedural Reality: Time and Accessibility**

The Act says there would be a "quick" settlement, yet what happens in Ahmedabad shows that this is not the case. The average time it takes to dispose of a case is around 199.85 days (about 6.5 months), which is far longer than the legal limit of 90 days. There are three parts to this time frame: reviewing the application (23 days), going to court (134.64 days), and carrying out the decision (39.51 days). A older individual who is poor may have a hard time waiting six months for maintenance.

Also, access is still a problem. Petitioners usually have to make many trips to the Tribunal in Ahmedabad, which is an average of 15.81 kilometres away. During the hearing stage, they have to make an average of 6.9 trips, and during enforcement, they have to make an average of 2.77 trips. For seniors with physical disabilities, these criteria are frequently too much to handle without help from NGOs or social workers.



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How people see the Tribunal Process

Even though there were delays, 69.69% of people who filed petitions in the area said the Tribunals were easy to talk to and the procedure was easy to follow. But they are far less happy with how judgements are enforced, with an average satisfaction score of just 4.39 out of 10. This indicates that obtaining a maintenance order is attainable, although securing the consistent monthly payment of that sum continues to be a formidable challenge.

- **The Role of the Judiciary: Section 23 Expands Protection**

The Gujarat High Court has led the way in strengthening the legal rights for older people by using a purposeful reading of the 2007 Act. The court has always put the "substance" of the law helping the elderly above technical legal details.

The Case of Jayantram Vallabhdas Meswania

The decision in **Jayantram Vallabhdas Meswania v. Vallabhdas Govindram Meswania (2012)** is a turning point in the law on property rights for older people in Gujarat. In this instance, the court had to deal with a request from a son who wouldn't take care of his father but still owned part of his father's property.

The Court's rationale changed everything: Expanding "Transfer of Property":

The court turned down a narrow reading of Section 23 that said "transfer" only meant formal title changes. It said that giving a kid "possession and occupation" of a property is likewise a kind of transfer under the Act.

Implied Conditions of Care: The Court said that even if a gift or settlement deed doesn't say that the kid has to take care of the person, the condition is "implied" in transfers made out of love and compassion to family members.

Putting Dignity First: The ruling made it clear that "maintenance" includes the right to live in a home free from harassment. This means that the Tribunal might order the expulsion of children from their parent's property if their presence bothers the parent's peace and dignity.

The Eviction Argument

Recent decisions from 2025 and 2026 have made the Tribunal's ability to impose eviction clearer. In **Pushpa Sharma v. State of West Bengal (2026)**, the Calcutta High Court said that Maintenance Tribunals can't order eviction under Sections 4 and 5 because the process is quick and only meant for "maintenance." However, the trend in Gujarat and the Supreme Court has been more favourable to the elderly. The Supreme Court confirmed in **Kamalakant Mishra v. Additional Collector (2025)** that older persons have the legal right to expel offspring who do not care for them or block their right to live there. The reasoning is that for a senior person, the right to "residence" is an important aspect of maintenance, and an order for maintenance is useless if the senior is being harassed in their own house.

- **Ahmedabad's institutionalised care and welfare system**

The 2007 Act puts a lot of pressure on the State to help those who don't have family support. In Ahmedabad, this is seen by the building of houses for the elderly and medical services for the elderly.

Seniors who are poor and live in old-age homes

Section 19 of the Act says that every district must have an old-age home. There are 696 Senior Citizen Homes open in India as of August 2025. Many of them are in Gujarat. These houses are meant to provide poor seniors free accommodation, food, and medical treatment. But socio-legal studies of these institutions in Ahmedabad show a mixed picture. Some of these



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places are great for socialising, but others have problems with staff not getting enough training and not having enough fun things to do, which makes residents feel lonely and that they have no control over their lives.

Healthcare Services and the NPHCE

Healthcare is still the most important part of welfare. The Act says that all government hospitals must provide: Separate lines for older people to cut down on wait times. Every hospital should have beds just for elders. • Facilities that specialise in treating chronic, terminal, and degenerative diseases.

The National Programme for the Health treatment of Elderly (NPHCE) has set up regional geriatric facilities to help people get tertiary treatment. In Ahmedabad, these services are more easier to get than in rural regions, yet the "urban-rural divide" is still there. HelpAge India's mobile medical units (MMUs) try to fill this gap by giving disadvantaged individuals in need regions consultations and medications every two weeks.

Awareness, stigma, and the digital divide are all systemic barriers. Even though there is a robust legal framework, there are still certain real-life problems that make it hard for older residents in Ahmedabad to fully enjoy their rights.

- **The Lack of Awareness**

The biggest problem is still a shocking lack of knowledge. The Longitudinal Ageing Study of India (LASI) and HelpAge India's 2024 research show that barely 9% to 12% of older people know about the MWPSA Act, 2007. Awareness is a little more in Ahmedabad since there are more NGOs there, but it's still not enough. Most seniors hear about the Act via "other sources," such social activists (37.14%), instead than government ads.

Socio-Cultural Stigma and Not Reporting Enough

The "stigma of complaining" about one's own children is a cultural barrier that has been around for a long time. A lot of older people in Ahmedabad think that filing a maintenance petition means admitting "family failure." HelpAge India's study indicated that 7% of older people said they had been abused, but many more did not answer the question. This shows how concealed domestic neglect can be. The son is the most common culprit (42%), followed by the daughter-in-law (28%). This shows how families may have problems across generations.

The Digital Divide

The "digital divide" has become a new way of excluding people as courts and other government systems shift toward becoming digital. About 59% of older people in Gujarat don't have access to digital gadgets. Only 26% of those over 80 have cellphones, and even fewer know how to use them to submit petitions online or check the progress of their cases using the Case Information System (CIS 4.0). This dependence on intermediaries, such as children or attorneys, for digital access engenders a conflict of interest and obstructs independent legal remedies.

- **Legislative Reform: A look at the Amendment Bills from 2019 and 2025**

The 2007 Act has certain problems, namely the maintenance cap and the restrictive definition of family. This led to the introduction of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill in 2019 and further changes in 2025.

Transitioning from "Normal Life" to a "Life of Dignity"

The most significant philosophical shift in the 2025 Bill is the replacement of the requirement to provide for a "normal life" with an obligation to ensure a "life of dignity". This term is defined broadly to include respect, autonomy, self-worth, and social inclusion.



Provision	2007 Act	Proposed 2019/2025 Amendments
Maintenance Cap	Maximum ₹10,000 per month.	Cap removed; allowance based on standard of living and earnings.
Definition of Children	Biological/Adoptive Son & Daughter.	Includes step-children, in-laws, and legal guardians.
Home-care Services	No provision.	Registration and regulation of home-care agencies.
Nodal Police Officers	No provision.	Designated officer in every station for elder safety.
Application Disposal	90 days for all.	60 days for those aged 80 years or above.

The removal of the ₹10,000 cap is particularly vital for urban districts like Ahmedabad, where specialized geriatric care and medication can easily exceed this amount. Furthermore, the inclusion of "Home-care services" recognizes the reality that many seniors prefer to age in their own homes rather than in institutions, provided they have access to professional nursing and assistance.

- **Suggestions for Making the Legal System Stronger**

Based on the empirical assessment of the Act's execution in Ahmedabad, several strategic suggestions arise for policymakers and legal professionals:

1. **Strengthening Awareness via Local Bodies:** The "other sources" that are now giving out information (NGOs and activists) should be included in a state-sponsored effort to raise awareness. Using Ahmedabad's community centers and municipal ward offices for "Legal Literacy Camps" only for seniors might help bridge the gap in knowledge a lot.
2. **Specialised Geriatric Legal Aid:** Because attorneys can't work, the "Maintenance Officer" has to do more than simply administrative work. These cops should be trained as "Community Anchors," which means they may help people with legal issues including filing petitions.
3. **Strict Enforcement of Timelines:** The existing 199-day disposal term in Ahmedabad has to be cut down by creating additional Tribunals and using the 2025 Bill's provision for faster 60-day disposal for the "old-old" (80+) population.
4. **Closing the Digital Divide:** Senior-friendly government websites for submitting maintenance petitions must be set up, and every police station must have voice-command choices or physical support centers via the authorised Nodal Officers.
5. **Mediation and Conciliation should be required.** The job of Conciliation Officers should be bigger. Evidence from Ahmedabad indicates that many cases are resolved by compromise (44.28%), and enhancing this "pre-litigation" period might alleviate emotional distress for both parents and children.

- **Conclusion:**

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is a brave endeavour by the Indian government to make sure that seniors are taken care of in a society that is changing quickly. In the Ahmedabad District, the empirical reality shows that a law is being used as a key protection against neglect and property exploitation, but it is still partly held back by delays in the administration and cultural hurdles. The Gujarat High Court's forward-thinking reading of Section 23 has set a strong example that makes owning property in old age a source of pride instead of a burden.



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But changing from a culture that cares for its seniors out of "love and affection" to one that does so out of "legal obligation" is not easy. The upcoming changes to the law in 2019 and 2025 are vital because they show that maintenance is not only about staying alive, but also about making sure that people have a "life of dignity." The state has to go beyond the "paper promise" of the Act and put money into the people and digital infrastructure that would make justice really accessible for the elderly people of Ahmedabad. The Act's effectiveness will not be evaluated by how many orders it passes, but by how well it lets India's older people spend their last years with the safety, respect, and freedom they deserve.

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