

MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007: A CRITICAL ANALYSIS OF LEGISLATIVE OBJECTIVES AND ENFORCEMENT MECHANISMS**Ms. Aanchal Beri^{1*}, Prof. (Dr.) Shipra Gupta², Dr. Preety Gupta³, Dr. Kunjana Mittal⁴, Ms. Srishti Gupta⁵, Ms. Rupali Sharma⁶**¹Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala.

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The demographic change in India has increased the susceptibility of elderly individuals through faster demographic change in the country characterized by higher life expectancy and the collapse of traditional joint family setups. The Indian legislature had come to understand the increasing neglect, abandonment, and financial insecurity of the elderly citizens thus the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The law is meant to offer an easy, fast, and efficient way of ensuring maintenance and welfare of parents and elderly citizens, as well as safeguarding their life and property. Although the Act is progressive in its intention, the reality of its practical implementation shows that there are serious challenges of enforcing the Act, institutional capability, delays in the procedures, and ignorance. The paper is a critical review of the legislative goals of the 2007 Act and the effectiveness of the enforcement agencies. The research pinpoints the discrepancies between the intent of the legislation and realities on the ground through the analysis of the doctrines and judicial interpretation and recommends the reforms of the legal framework to ensure the welfare of the elderly in India.

Keywords*Senior Citizens, Elderly Welfare, Tribunals, Enforcement Mechanisms, Social Justice***1. INTRODUCTION**

The demographic transition in India, the gradual rise in life expectancy and a concomitant rise in the elderly population as a proportion of the population has raised to the forefront these complicated legal, social and economic issues related to the care and protection of the elderly individuals. Conventionally, Indian society was based on joint families in which it was assumed that children and relatives had a moral and social duty of taking care of old parents. The rapid urbanization and industrialization, migration to seek work, changing value system and gradual erosion of joint family set up have however, greatly undermined these informal support mechanisms. This means that increasing numbers of elderly people and parents are being neglected, abandoned, and left financially insecure, making them susceptible in their old age. Prior to the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the legal framework addressing the issue of maintenance for elderly persons in India was fragmented and largely inadequate. Remedies were scattered among personal laws and common criminal law, most especially in maintenance under procedural legislation, which was not specifically aimed at the aged, nor so attuned to the special needs of the aged. Such provisions were lengthy litigation, technical processes and limited scope of relief, thus negating them to be practical to the citizens in the senior age category who needed remedies in time and access. The lack of thorough legislation in the form of welfare focus implied that the constitutional duty of the state to safeguard the dignity and well-being of older individuals was still half-realized. It is against this background that the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was enacted by the Parliament of India as social welfare legislation and whose main aim was to see parents and senior citizens remain destitute and live with dignity. The Act is a major change as purely moral understanding of the filial responsibility to a legal one. It does not only aim at ensuring maintenance of the parents and senior citizens by their children and relatives, but also to create equivalent obligations on the State to provide old age homes and sufficient medical care and protection of life and property of older citizens.

The Act has its legislative intent based on the constitutional values, and specifically on the principles of social justice, human dignity, and welfare, which are reflected in the Directive Principles of State Policy. The Act tries to surmount the hurdles of procedures that tend to deter the elderly persons who are seeking legal redress by offering a swift, cheap, and concise way of claiming maintenance in quick judicial tribunals. Moreover, the fact that provisions of penal consequences are provided in the case of non-compliance shows that the legislature is determined to advise the enforcement and prevent the situation when parents and senior citizens are neglected.

Regardless of its progressive goals, the application of the Act has brought various severe issues that touch on awareness, access, sufficiency of maintenance, effectiveness of the procedures and implementation of tribunal orders. The practical effect of the legislation has frequently been watered down by differences between states, administrative indifference, inadequate institutional support and discord with personal legislation. These difficulties demand a more in-depth analysis of the question of whether the Act has managed to transfer its welfare-based objectives into a clear protection of the geriatric population.

In that regard, critical consideration of the legislative aims and implementation tools of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, acquires relevance of critical importance. This kind of an analysis and analysis is necessary to evaluate the effectiveness of the legal framework that is in place, as well as to pinpoint weaknesses and propose changes that can make the protection of the elderly individuals in India stronger. This paper aims to focus on the philosophy, extent and working practice of this Act with special emphasis on how the law has been enforced with an aim of determining whether it has been effective in being a tool of social justice in the aging society.

2. LEGISLATIVE BACKGROUND AND RATIONALE

The enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, needs to be construed within the greater socio-legal and constitutional framework wherein the question of elder care became a legislative topic of concern in India. Throughout decades, the very concept of protection of oldsters and aged citizens was rather based on moral obligations of family and cultural beliefs than on the legal requirements and commands. The family system that used to be the joint family system was the main system of support of the older generation that guarantees financial stability, emotional support, and social belonging. But these traditional arrangements were slowly undermined by the radical socio-economic changes in the post-independent India that revealed the inefficiency of informal systems to protect the interests of elderly parents. Legally, the pre 2007 system on the issue of maintenance to the parents was disjointed and incidental as opposed to holistic. Certain personal laws recognized limited obligations of maintenance, while secular remedies were available under general procedural statutes. These were not specific to the needs of vulnerable elderly citizens and were frequently buried in the red tape, procrastination, and formalities. Consequently, these senior citizens were often unable to find effective and/or prompt relief, especially when dependency, poor health, or lack of means curtailed their capacity to conduct litigation. This gap in the law system emphasized the necessity of a specific and specialized law concerning the needs of parents and older adults as a group that needs affirmative protection.

The legislative background of the 2007 Act is also closely linked to India's constitutional philosophy. Even though the Constitution of India does not explicitly list the rights of senior citizens, the Directive Principles of State Policy provide the State there with a responsibility towards fostering social justice, safeguarding vulnerable groups and providing conditions of dignified existence to all citizens. The necessity of taking care of aged is implied in the duty of the state to ensure the social and economic justice and to render assistance in situations of old age. Lack of a proper statutory framework to guide the welfare of the elderly was becoming more and more seen to be at variance with these constitutional commitments, and thus adding more force to the argument of legislative intervention.

The legislative rationale was also formed by the international developments. The development of aging as a major human rights and social welfare concern that is reflected in international declarations and policy frameworks on the rights of older people, which have gained world recognition, had an impact on the domestic discourse in India. These tools underlined the concepts of dignity, independence, participation, and security of senior citizens to promote legislative and policy actions that states take to ensure the elderly are not neglected, abused, or left in destitution. The active involvement of India in such international norms strengthened the impression that the old age care could not be the domain of family duty any more. The legislative force that prompted the Act can be followed to the increasing empirical data on the neglect, abandonment and abuse of older parents especially those living in urban and semi-urban settings. Cases of parents being liquidated by the kids, abandoned without any source of living, or subjected into old age facilities highlighted the ineffectiveness of moral responsibilities without the law being able to enforce them. The state has realized that the family ethics were not sufficient in a fast-changing society and there would be need to shift to statutory recognition of maintenance as a legal right of parents and old age citizens.

The Parliament of India enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as a piece of social welfare legislation with a dual rationale. First, it aimed at converting the moral responsibility of children and family into a legally binding requirement using simplified and easy-to-access methods. Second, it sought to make the duty of the State institutional by requiring the enactment of old age homes, provision of medical facilities and safeguarding the lives and properties of senior citizens. The act is therefore an active policy decision on how to strike a balance between family duty and state intervention.

The Act has its reasoning in the realization of the fact that aging is not only an individual problem but also a national concern that needs legislative and administrative intervention. The Act tries to provide the parents and the elderly citizens with the right to receive maintenance and protection as an issue of legal right rather than being at the mercy of goodwill or charity by taking a rights-based approach. The focus on summary procedures and specialized tribunals is also indicative of the legislative purpose of offering quick and efficient solutions in the recognition of the practical constraints of elderly litigants. Essentially, the legislative history and intent of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, indicates a conscious change in the Indian jurisprudence of social welfare. The Act is a recognition of emerging social realities, constitutional imperatives and international pressures and attempts to mitigate systemic neglect of elderly persons by offering a developed statutory structure. Its enactment is a milestone in the process of entrenching the interests of parents and elderly citizens in the wider concept of social justice and human dignity in India.

3. LEGISLATIVE OBJECTIVES OF THE 2007 ACT

The Act of Maintenance and Welfare of Parents and Senior Citizens, 2007, is a welfare-based law that has well-articulated objectives of the law that are focused on meeting the socio-economic weaknesses of the aged individuals in India. The main goals of the Act can be formulated in the following way:

a. To ensure financial security of elderly people and parents.

One of the main purposes of the Act is to offer an administrative way by which the parents and the aged should be able to seek maintenance with their children or close family members. The Act is aimed at ensuring that aged individuals do not suffer destitution and financial abuse by enforcing maintenance as a legal right and not a moral obligation.

b. To transform moral and social duties into legal duties.

The Act is intended to change the conventional moral imperative of children to take care of their parents and make it a legal requirement. This goal can be seen as the reaction of the legislature to the degradation of the family support structures and the insufficiency of informal care facilities in modern society.

c. To provide a speedy, simple, and inexpensive remedy.

The Act is aware of the physical, emotional, and financial constraints of the aged individuals so that it envisages summary proceedings under Maintenance Tribunals. The objective is to avoid protracted litigation and technical complexities, thereby ensuring timely relief to parents and senior citizens.

d. To institutionalise the role of the State in elderly welfare

Along with the responsibilities owed to children and family members, the Act aims at reasserting the role of the State in the provision of the welfare of the elderly. This involves setting up and sustenance of old age homes, medical facilities as well as designing schemes to protect and rehabilitate older citizens.

e. To safeguard the property and life of the elderly.

The Act is meant to protect elderly citizens against exploitation, abuse, and deprivation of property, especially in the situations when the property is sold under the agreement to maintain it. The Act is aimed at preventing economic abuse of the elderly by ensuring that the voidability of such transfers in the context of neglect is possible.

f. To promote the dignity and quality of life of the aged persons.

One of the main aims of the Act is to make sure that the parents and the elderly citizens can lead dignified lives, without neglect and insecurity. The act acknowledges dignity as part of welfare and aims at establishing an environment that will enable the elderly to live independently and with dignity.

g. To minimise reliance on criminal law machinery.

The Act will help decrease the use of a general criminal law in maintenance claims by offering a specialized civil and quasi-judicial structure that is much more responsive to the needs of the welfare of the elderly citizenry.

h. To advance social justice and satisfy the provisions of the constitution.

The Act is set to promote the constitutional vision of social justice by securing a vulnerable part of the society. It attempts to provide a practical exercise of the Directive Principles of State Policy by providing economic security and social protection to the old age persons.

i. To establish a uniform and full statutory framework of elderly welfare.

The Act seeks to have a standardized legal framework that cuts across India and therefore seeks to address the lack of consistency and gaps that were present under personal laws and general maintenance considerations.

4. PROVISIONS RELATED TO MAINTENANCE: The substantive provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, are the maintenance provisions which seek to assure the financial stability of the parents and senior citizens who cannot sustain themselves. Maintenance is another statutory right that is identified in the Act, and it causes the moral duty of children and relatives to change into the legal duty.

The Act imposes a strict responsibility on children who are both sons and daughters regardless of their marital status to take care of their parents. When there are no children to take care of the elderly, the same responsibility is transferred to the family members who are eligible to inherit such senior citizens or even those who are already heirs to such citizens. This interpretation of the increased scope of responsibility is the legislative desire that elderly individuals be not left penniless because of the lack of immediate successors.

Maintenance under the Act is defined in a comprehensive manner and includes provision for food, clothing, residence, and medical attendance and treatment. This broad conception of maintenance recognises the multi-facets of old age welfare and stresses on the goal of providing the elderly with a dignified quality of life, not subsistence.

The quantum of maintenance that can be awarded is specifically controlled by section 9 of the Act. It gives that maintenance allowance that should be paid to a parent or senior citizen should be such as may be determined by the competent authority and is limited by a statutory limit of ten

thousand rupees per month. It is a monetary limit which represents the effort of the legislature to find a compromise between the claims of the aged, their economic competency and the economic competency of the children or relatives, and at the same time to maintain uniformity and predictability in the distribution of maintenance.

The determination of maintenance under the Act is required to take into account the needs of the parent or senior citizen as well as the means of the person liable to maintain them. This clause of monthly maintenance allowance implies on the ongoing nature of the responsibility and strengthens the protective essence of the law.

Further, the Act correlates maintenance commitments with property transfer by the elderly people. In the case when property was transferred under the condition of its maintenance, this condition could be violated, which could lead to the cancellation of it, thus protecting the elderly people against economic mistreatment and strengthening the enforceability of the maintenance conditions.

Essentially, the maintenance provisions, especially the way it is formulated in Section 9 of the Maintenance and Welfare of Parents and Elderly Citizens Act, 2007 portrays a welfare-oriented and rights-based legislative construct. Although the maintenance ceiling has been criticized academically considering the increasing living expenses, the statutory ceiling on maintenance has at least been indicative of a tangible legislative initiative to offer financial stability and respect the dignity of parents and senior citizens in India.

5. ENFORCEMENT MECHANISMS UNDER THE ACT

The enforcement mechanism of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is mainly based on the formation of special adjudicatory bodies, i.e., the Maintenance Tribunal and the Appellate Tribunal, which are the main instruments of the implementation mechanism of the Act. The establishment of those tribunals demonstrates the legislative purpose to offer an efficient, convenient, and fast enforcement tool that would suit the particular weaknesses and demands of parents and elderly citizens.

Under the Act, the State Government is required to form Maintenance Tribunals with the aim of adjudicating claims touching on maintenance and other related reliefs. These tribunals are endowed with exclusive jurisdiction to receive applications under the Act and thus they provide a special forum separate with other regular civil or criminal courts. The law behind this institutional structure is that the elderly are usually constrained physically, financially and emotionally to pursue conventional litigation that is cumbersome and ineffective.

The maintenance tribunal proceedings are intended to be such that they are summary in nature and thus speedy and simple in adjudication. The tribunal is also given the freedom to investigate within a way that they would want without the technicalities of the Code of Civil Procedure and the Indian Evidence Act. This procedural flexibility makes things more accessible and also makes substantive justice not lost in procedural formalism. The Act also allows applications to be made by not only the parents or the senior citizens but also by any authorized person or voluntary organization, which enhances the effective enforcement in occasions where the elderly is incapable of acting on his behalf. The maintenance orders provided by the Tribunal are enforced by coercive measures established in statutes. The Act gives the Tribunal the power to enforce its orders in a similar fashion to the way a fine is recovered and therefore provides binding effect to its orders. The Tribunal has the power to take penal action against willful disobedience or failure to do what is ordered in terms of maintaining the aircraft, or even imprisonment. These provisions strengthen the jurisdiction of the Tribunal and are used as a discouragement to non-cooperation. The Tribunal is also very important in safeguarding the property interest of the senior citizens in addition to the maintenance enforcement. In the case of any transfer of property having been made on condition of maintenance, the Tribunal has power to appoint the transfer void on breach of the condition. This authority is a wonderful enforcement mechanism, which protects aged individuals against economic exploitation and misappropriation of their property.

The Act also offers creation of an Appellate Tribunal that would listen to appeals made against decisions that have been made by the Maintenance Tribunal. This appeal mechanism put in place procedural fairness, accountability and uniformity in the interpretation of the Act. The legislation aims at balancing the right to appeal and the need to achieve speedy execution by restricting the right to appeal to a specialized forum.

Therefore, the maintenance and welfare of parents and senior citizens Act, 2007, has its enforcement mechanisms that are mainly tribunal based. The Act is aimed at ensuring that the rights of the parents and senior citizens are actualized by having specialized tribunal with summary powers, coercive enforcement authority, and appellate oversight. Although the issues associated with awareness, infrastructure, and lack of a consistent implementation process continue to be a problem, the tribunal-based enforcement system is the most noticeable and notable aspect of the welfare-related design of the Act.

6. JUDICIAL INTERPRETATION AND ROLE OF COURTS

Judicial interpretation has played a decisive role in shaping the scope, content, and operational effectiveness of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Despite the fact that the Act is a welfare-based legislation, its actual effect has been greatly determined by how constitutional courts as well as high courts have construed the Act provisions based on the social realities, the constitutional values and competing legal claims. The purposive and liberal method of interpretation has always been embraced by the courts with an understanding that the Act is to be interpreted in a manner that promotes its remedial goals and is not limited by the procedure and technicality. The Supreme Court of India has reiterated on numerous occasions that the Act is a slice of good legislation which was aimed at achieving dignity and economic stability of the elderly persons. In *S. Vanitha v. Deputy Commissioner, Bengaluru Urban District* (2020), the Court examined the interaction between the rights of senior citizens under the 2007 Act and the right of residence claimed by a daughter-in-law under other welfare legislation. The Court determined that, although the Act is aimed at safeguarding the elderly citizens, there is a need to balance the application of the Act with the other statutory rights, and that mechanical eviction orders should not be granted without measuring competing claims. This ruling is noteworthy in terms of the fact that the application of the Act should be based on the principles of proportionality and fairness. The High Courts have also been instrumental in enhancing the enforceability of maintenance. In *Sunny Paul v. State of NCT of Delhi* (2017), the State of NCT of Delhi affirmed that tribunals have the power to order the eviction of children of the property that belongs to senior citizens as an incidental step to implementing maintenance and protection. The Court acknowledged that the right to peaceful residence and protection against harassment was part of the welfare which the Act guaranteed. Through this decision the concept of enforcement was broadened to establish a connection between maintenance and the right to live with dignity and security by senior citizens. The Punjab and Haryana High Court, in *Justice Shanti Sarup Dewan v. Union Territory of Chandigarh* (2013), adopted a strong welfare-centric interpretation of the Act. The Court determined that elder people could not be forced to accept mistreatment or neglect simply due to filial principles and evictions of wayward children on parental possessions could be acceptable to protect them adequately. This ruling has been extensively referred to in the affirmation of the fact that the Act puts the welfare of the senior citizens above the inflexible beliefs on family hierarchy or property values.

In interpretation of the statutory limit on maintenance as prescribed under Section 9 of the Act, judicial interpretation has a role to play as well. Although courts have recognized the fact that the amount of maintenance is limited by legislation, a number of decisions have been made worrying about the sufficiency of the stipulated limit in the face of increased living and medical costs. Although the statutory framework still constrains courts, these observations have led to academic criticism and policy debate of the necessity of legislative change.

The other significant input of the judiciary is in deregulating the relation of the 2007 Act to other remedies of maintenance especially in the criminal procedure and in personal law. The courts have always maintained that the remedies provided by the Act are independent as well as complementary to the remedies provided under other statutes. This interpretation makes sure that the Act is functioning as an assistive and reinforcement mechanism and is not made redundant by the laws that had been in existence previously.

In addition, the courts have played the supervisory jurisdiction to make sure that the tribunals operate within the limits of the natural justice. Though the Act offers proceedings that are characterized by a sense of summary, the courts have exercised a sense of caution to make sure that some values

like the right to be heard and reasonable decision making is not compromised in the name of expediency. Such efficiency and fairness has made the tribunal system more legitimate and acceptable.

In essence, judicial interpretation has played a significant role in turning the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which is merely a statutory declaration, into a breathing social justice document. Courts have reinforced the welfare orientation of the Act by landmark judicial rulings that have given meaning to the Act concerning other legal regimes as well as extended the protective scope of the Act to encompass dignity, security and peaceful living. The courts have therefore played not only the role of deciphering the law, but also in the promotion of rights and welfare of the elderly citizens in India.

7. IMPLEMENTATION CHALLENGES AND GROUND REALITIES

Although the objectives and extensive framework of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 have progressive objectives, it has suffered serious challenges in its implementation that limit its efficacy to the ground level. The disjunction between the intent of the legislation and the outcomes of the legislation is indicative of systemic, administrative, and socio-cultural challenges that still impact the protection parents and senior citizens are supposed to receive. These difficulties are the following:

a. Poor Awareness among Senior Citizens and Parents.

The low awareness among the targeted beneficiaries is one of the biggest obstacles towards the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Many of the older citizens are uninformed of their rights under the law, the presence of remedies in maintaining them, and the presence of tribunals as stipulated by the Act. Lack of legal literacy training and lack of access by state governmental agencies has led to inappropriate use of the statutory provisions, especially in the rural and economically disadvantaged areas.

b. Administrative and Institutional weaknesses.

Even though the Act requires the creation of Maintenance and Appellate Tribunals, in most states, their operation is limited by inadequate infrastructure and management burden. The officers of the tribunal have a lot of responsibilities to perform and this results in the cases taking a long time to be disposed of. Lack of commitment among the staff, poor training, and lack of standard guidelines on how the procedures should be conducted further compromise efficiency and consistency in how tribunals operate.

c. Weak Implementation of Maintenance Orders.

Execution of maintenance orders is a significant practical challenge. Children or relatives may be hard to get to pay after favorable orders are made even after they are passed. There is lack of effective application of recovery mechanisms and sparingly applied penal provisions. Fear of family rejection, emotional dependence, and social pressure make the elderly persons opposed to the idea of taking strict measures of enforcement, which undermines the deterrent effect of the Act.

d. Inadequacy of the Statutory Maintenance Ceiling.

A strict limit on maintenance, which is prescribed in the Act, has become a severe limitation in practice. The maximum allowable limit is not always enough to cover the increasing living standards, health care and health care requirement of the elderly citizenry. The practical utility of maintenance awards is further diminished by inflation and the cost of urban living and there is concern that the financial protection provided by the Act is sufficient.

e. Socio-Cultural Obstacles and unwillingness to litigate.

Strong social and cultural beliefs prevent parents against taking legal actions against their children. There are a lot of elderly people who view legal action as failure of family unit and are afraid of stigma in society or loneliness. This hesitation is especially strong among women and very old people, so even statutory remedies are not used.

f. Challenges in Property-Related Enforcement.

Although the Act offers protection against exploitation by offering conditional property transfers, the application of the latter is frequently a controversial issue. Elderly individuals aiming at annulment of such transfers often find themselves being challenged, intimidated and the dispute dragged out. The administrative authorities might also not use annulment powers with ease because they fear the backlash or even because of overlapping civil proceedings thus undermining the protective intention of the law.

g. Lack of Consistency of State-Level Implementation.

Considering the fact that the Act is extensively dependent on state governments to frame rules and mechanisms of enforcement, there are massive interstate inequalities. Differences in political goodwill, administrative strength and financial means have led to uneven application. The old age homes and welfare programs that are required under the act are in poor conditions in various states.

h. Absence of Inter-departmental Co-ordination.

In order to set the Act into practice successfully, the collaboration of various agencies and organizations such as social welfare, police, medical facilities, and courts is necessary. In reality, lack of an integrated and coordinated approach usually puts an extra burden on the elderly persons who are forced to have to move through a complex administration process without proper support.

8. RECOMMENDATIONS AND SUGGESTIONS.

In light of the legislative intent of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the challenges that have been rife in the implementation at the ground level, there is a strong argument to support some specific reforms that can enhance the efficacy of the statutory instrument. The suggestions and recommendations mentioned below can be used to help fill the gap between law and practice and be consistent with constitutional values and social realities.

a. Strengthening Legislative Provisions

The revaluation of the statutory maintenance ceiling provided by the Act is one of the leading recommendations. In the view of inflation, the rise in the cost of healthcare and also the expected lifespan, the current cap is frequently insufficient in providing the elderly citizens with a respectable standard of living. The practical relevance of the maintenance provisions would be increased by periodic revision of the maintenance limit, or by the adoption of a flexible, needs-based framework, which would be related to the cost-of-living indices.

b. Enhancing Tribunal Effectiveness

The functioning of Maintenance and Appellate Tribunals must be strengthened through institutional reforms. Specially trained officers that are sensitive in adjudication and consistent in their laws about the social welfare should be given specific duties. Standardized procedural rules would also contribute to the minimization of arbitrariness and time waste and make sure that the summary nature of proceedings does not undermine the natural justice principles.

c. Ensuring Enforcement and Compliance.

Implementation of maintenance orders needs presence and application of recovery and penal mechanisms that are availed under the Act. Law enforcers need to be motivated to resort to coercive action when it comes to cases of willful non-compliance, but they should make sure that such enforcement is not excessive or inhumane. Achieving accountability should also be ensured by setting up monitoring mechanisms to ensure that compliance with maintenance orders.

d. Expanding Legal Awareness and Outreach

Specific programs on legal awareness among the parents and older citizens will be necessary when it comes to the effective application of the Act. Legal aid programs at the community level, partnerships with civil society, and education of the elderly people on their rights via the local governance institutions can enable the elderly to demand their rights. The availability of simplified information materials in regional languages would also help to access justice.

e. Integrating Welfare and Support Services

Maintenance remedies can be strongly reinforced with the larger social welfare and healthcare services and thus the effectiveness of the Act can be boosted. It is important to coordinate the efforts of tribunals, social welfare departments, healthcare institutions, and law enforcement agencies in order to meet the diverse needs of the elderly citizens. Development of single window support structures at the district level would limit the load on the procedure and enhance service delivery.

f. Resolving Property-Related Vulnerabilities.

There is need to have clear administrative guidelines to deal with property transfers in relation to maintenance obligation. Authorities must be given the power and be encouraged to take decisive action in cases of exploitation or violation of conditional transfers, but with the need to be transparent and to have procedural fairness. Enhancing protection against harassment and intimidation in property-related cases would also serve to the benefit of the elderly citizens.

g. Encouraging Alternative Dispute Resolution.

Although enforcement is necessary, family relationships should be preserved at all costs. The introduction of the ordered conciliation and mediation processes into the legal system can perhaps eliminate conflicts without compromising the rights of senior citizens. These measures will be able to discourage adversarial litigation and promote voluntary adherence to maintenance requirements.

h. Assuring State-Level Uniformity of Implementation.

There should be more consistency in the implementation by the states to maintain the national nature of the legislation. Consistency and accountability can be encouraged by frequent examination by the Central Government, model regulations, and performance standards of state authorities. Sufficient financial and administrative resources are also necessary towards maintaining institutional mechanisms that are envisaged in the Act.

i. Recognising Elderly Welfare as a Rights-Based Issue

There is a need to reinforce the perception of elderly welfare as a matter of legal right rather than charity. Training of the judiciary, sensitization of the administration and policy discussion must focus on the dignity of the older generation and their autonomy. This change of view would bring the enactment of the Act in conformity to constitutional beliefs of social justice and human dignity.

To sum it all, though the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a great step towards the rights of the aged persons being safeguarded, its transformative potential can only be achieved by ensuring that the act is refined over time, the administration is committed and the society is transformed. When successfully put into practice, the above recommendations would help the Act to become a significant tool of social justice in an old society.

9. CONCLUSION

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 emerges as a crucial legislative intervention given the fundamental social and demographic changes, which have changed the traditional systems of family care in India. The Act reflects a conscious shift from reliance on moral and cultural expectations towards a rights-based legal framework that recognises the vulnerabilities of ageing parents and senior citizens in a rapidly modernising society. The statutory right to maintenance and corresponding duties on the children, relatives and the State promoted by the legislation aim at addressing the dignity, security and well-being of the elderly as a part of social justice. The statutory framework demonstrates a clear welfare orientation through its expansive interpretation of maintenance, its focus on both accessibility and enforceability, and its effort to institutionalize the responsibility of the state and the role played by family. The judicial interpretation has been decisive in strengthening this welfare character such that the Act is seen as purposely construed and harmonized with the constitutional values. Courts have decoded the limits of the maintenance, reinforced the rights against exploitation and reiterated the importance of dignity and peaceful living as the core of the law practice. By so doing, the judiciary has played an important role in transforming the elderly welfare into an issue of concern and constitutional interest.

The real-world application of the Act though demonstrates significant obstacles that compromise the transformative nature. Recurrent lapses in consciousness, administrative inefficiencies, discrepancies in enforcement, socio-cultural detrimental, and economic constraints, still limit successful accessibility to justice by a vast number of senior citizens. The legislative limit on maintenance, albeit a sign of legislative conciliation, tends to be out of line with the present-day living and healthcare expenses, hence casting doubt upon the competence of the safeguard given by the law. All these ground realities point out to the shortcomings of a purely legal solution to the basis of the social and institutional problems. The effectiveness of the Act, therefore, cannot be measured only on the level of its legislative formulation or judicial meaning but has to be measured on the level of its practical effects of the life experience of old people. To eliminate the divide between law and reality, it is important to strengthen the implementation framework by refining the legislature, committing the administrative level, raising awareness among people, and organizing welfare provision. What is also important is a more general social change towards seeing old age care not as charity or family obligation, but as a civic duty and legal necessity.

Overall, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is a positive development in the field of social welfare jurisprudence in India as the principles of dignity, protection, and fairness toward older citizens are reflected in this law. Its real success, however, lies in its continuing striving after seeing that these ideals are actively achieved in reality, so that parents, and senior citizens may live their later years in security, respect and dignity, both in the family and the legal order.

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