

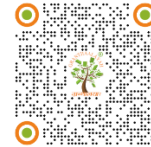
Original Article

SENIOR CITIZENS IN INDIA – A CRITICAL ANALYSIS OF THE MWPSA ACT, 2007

Aman Lata ^{1*}, Dr. C.R. Jilova ²

¹ Research Scholar, Department of Law, Kurukshetra University Kurukshetra, Haryana, India

² Professor (Retd.), Department of Law, Kurukshetra University Kurukshetra, Haryana, India



ABSTRACT

Presently, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is playing a very important role in protecting and promoting the welfare, dignity and wellbeing of the elderly parents and senior citizens of India. The Act provides a comprehensive and exclusive legal framework for securing the financial, health, shelter, maintenance and property rights of the elderly people and fills the vacuum and defects of other legal provisions protecting the maintenance right of senior citizens. Despite being a Comprehensive Act for the wellbeing of the senior citizens, with the passage of time, many shortcomings have been revealed in this specific Act, 2007 because of which the Ministry of Social Justice and Empowerment came forward with some recommendations under the “Maintenance and Welfare of Parents and Senior Citizen (Amendment) Bill, 2019. But unfortunately, the Bill still is waiting for its approval in our Parliament. This Article critically analysis the major provisions of the Act, 2007 and the Bill, 2019 along with the role of Indian Judiciary for the effective implementation of the Act, 2007 and the right of our parents and senior citizens.

Keywords: MWPSA Act, 2007, Maintenance, Parents, Senior Citizens, Redressal Authorities, Indian Judiciary

INTRODUCTION

In 21st Century, increasing elderly population is a global phenomenon as across the world the number of elderly people is increasing very swiftly. As per World Health Organization (WHO), “Between 2015 and 2050, the proportion of the World’s Population over 60 years will nearly double from 12% to 22% By 2030, 1 in 6 people in the world will be aged 60 years or over. At this time the share of the population aged 60 years and over will increase from 1 billion in 2020 to 1.4 billion. By 2050, the world population of people, aged 60 years and older will double (2.1 billion). The number of persons aged 80 years or older is expected to triple between 2020 and 2050 to reach 426 million.”¹ As today every country of the world is experiencing growth of its ageing population our country India is not an exception to it. As per WHO’s report on India shows that in India share of people aged 60 years or above is expected to increase from 11% in 2024 to 21% in 2050.²

¹ <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>, World Health Organization; Ageing and Health; 1 October 2025

² https://cdn.who.int/media/docs/default-source/searo/ageing-and-health/fact-sheets-2024/india---facts-andfigures---healthy-ageing.pdf?sfvrsn=b84be929_2; World Health Organization; South-East Asia Region

***Corresponding Author:**

Email address: Aman Lata (amanlata291@gmail.com)

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Table 1

Table 1 Demographic Profit, 2024 (India)			
	Total	Female	Male
Total Population	1450936000	702612000 (48%)	748323000 (52%)
Total 60+ Years Population	156667000 (11%)	80827000 (12%)	75840000 (10%)
Total 80+ Years Population	15545000 (1.1%)	8856000 (1.3%)	6689000 (0.9%)

NECESSITY BEHIND THE ENACTMENT OF SENIOR CITIZENS ACT, 2007

From very ancient time, our traditional and customary values have emphasized on the care, respect and proper maintenance of our elderly people by their family members. But with the passage of time and due to urbanization, modernization and declining joint family system etc. our elderly are forced to live separate from their own families and children because of which today they are facing many challenges and problems in their daily lives e.g. financial, health, physical, daily expenses, abuse, abandonment, loneliness etc. related problems. Due to the commitments of our Constitution under various Articles such as Article 38, 39A, 41 etc. and to secure social justice to all citizens of India, our legislatures had provided many legal provisions for the welfare of our citizens e.g. Section 125-128 of Cr. P.C. 1973; Section 20 of the Hindu Adoptions and Maintenance Act, 1956 etc. But there were huge vacuums in the already available legal provisions as these provisions secure only those elderly people who have children and secondly these provisions were providing only financial security upto a limited extend. So a necessity of a specific and comprehensive legislation was felt by our legislatures which may protect our seniors from many aspects. Finally in 2007, the legislatures have enacted the "Maintenance and welfare of Parents and Senior Citizens Act, 2007."

LEGISLATIVE BRIEF OF MWPC ACT, 2007

To enact a comprehensive and specific Act for the protection of senior citizens, the Ministry of Social Justice and Empowerment drafted and presented the "Maintenance and Welfare of Parents and Senior Citizens Bill, 2007" in our Lok Sabha on 20 March 2007 which was further referred to the Department-related Parliamentary Standing Committee for its recommendations. With some necessary changes, the bill was passed in Lok Sabha on 5th December 2007 and in Raj Sabha on 6th December 2007 and after receiving the assent of President on 29 December 2007 the Bill became a law under the title of the "Maintenance and Welfare of Parents and Senior Citizens Act, 2007."

OBJECTIVES OF THE ACT

The MWPC Act, 2007 has been enacted with many specific objectives. Firstly the Act, 2007 was enacted to fill all vacuums and to remove all major defects of already existed maintenance legal provisions for senior citizens. Further, the Act was enacted to put mandatory legal obligation on children, grandchildren and relatives of senior citizens; to provide the establishment of Old Age Homes for indigent and destitute senior citizens; to provide them basic and better medical facilities by the State; to establish simple, inexpensive and speedy disposal mechanism for related matters; to provide punishment for the act of abandonment of parents by their children and to provide protection to life and property of the senior citizens.

BRIEF OF MAINTENANCE PROVISION³

The MWPC Act, 2007 Comprehensively deals with the maintenance provisions related to parents and senior citizens and put such onus under Section 4 on children, grand-children and relatives to provide maintenance to them if they (senior citizens) are unable to maintain themselves out of their own earnings or property. Such helpless parents or senior citizens may make an application for maintenance under Section 5 of the Act. However, in certain circumstances such application may be made by some other person or any duly registered organization authorised by him or by Tribunal itself. By keeping in mind the wellbeing of elderly, the provision for interim maintenance has also been provided Under Section 5 of the Act so that elderly people may handle their lived and expenses of proceedings during the proceeding period also. Under Section 6, such proceeding may be started in any district where such senior citizen resided or last resides or where such children or relative resides, depending on the option of senior citizen. For the simple, speedy and inexpensive disposal of the maintenance issues the Act itself provides the provisions related to 'conciliation officer', 'summary procedure', time limitation of 90 days for the final disposal of the matters etc.

³ The Maintenance and Welfare of Parents and Senior Citizens Act 2007

REDRESSAL AUTHORITIES UNDER THE ACT AND THEIR POWERS

For the speedy disposal of the maintenance matters, the Act provides the provisions related to the establishment of separate redressal authorities by the State Government i.e. Maintenance Tribunal Under Section 7 and Appellate Tribunal Under Section 15 of the Act and empower them with many powers of Civil Court and Judicial Magistrate of 1st class under Sections 8 and 6 respectively.

Powers of Maintenance Tribunal: The Maintenance Tribunal which is presided over by an officer not below the rank of Sub Divisional Officer⁴ of a state has the powers of a Civil Court and JM 1st class to take evidence on oath, to ensure the attendance of witnesses and to compel the discovery and production of the concerned documents and material objects of the matter in hand.⁵ He has also power to take assistance of one or more persons having specific knowledge of the matter in hand.⁶ It has power to refer the matter to conciliation officer,⁷ power to make alteration or cancel the maintenance allowance⁸, power to issue warrant for levying the amount due of maintenance or may pass sentence in case of failure to pay maintenance allowance, power to pass an order of eviction and declare the transfer void in favour of senior citizens⁹ etc.

Powers of Appellate Tribunal¹⁰: The Appellate Tribunal which is presided over by an officer not below the rank of District Magistrate has the power to hear the appeals under Section 16 filed by the parents or senior citizens against the decision passed by the concerned Maintenance Tribunal and while doing so he may call for the record of proceedings from the concerned Tribunal.

Provision Related to Old Age Home¹¹: To secure the shelter related necessity of indigent and destitute senior citizens, The Act, 2007 also put an Obligation on state Governments to establish and maintain such number of Old age homes as the state Government deems it necessary at some accessible places (beginning with at least one in each district). Under section 19 of the Act, the State Government are also under obligation for proper management of such old age homes through prescribe scheme including standard of various facilities and service provided to senior citizens in such old age homes e.g. proper medical Care, entertainment etc.

Medical Care of Senior Citizens¹²: The Senior Citizens Act, 2007 also provides provision for the medical support to senior citizens to reduce the health and medical related sufferings of our senior citizens. Under Section 20 of the Senior Citizens Act, 2007, the State Government is under obligation to ensure the availability of proper beds and arrangement of separate queues in all Government hospitals fully or partially funded by the government. Instead of the above, the State Governments are also under obligation to provide proper facilities for the treatment of degenerative, chronic and terminal diseases of the senior citizens and also make arrangements for the research activities related to chronic elderly diseases and promote geriatric facilities in every district hospital.

Protection of Property¹³: The Senior Citizens Act, 2007 provides a specific provision for the protection of property of Senior Citizens by declaring the transfer void in certain circumstances made by the senior citizens. Under Section 23 of the Act, where, after the commencement of this Act, the senior citizens had transferred his property by gift deed or otherwise under the condition that after the transfer of property the transferee will take care of him and will maintain him by providing basic amenities and basic physical needs, but the transferee either refuses or fails to do so then the maintenance Tribunal may declare such transfers void at the option of the senior citizen (the transferor) on the ground of deemed fraud, coercion or undue influence.

Punishment for Abandonment of Senior Citizen¹⁴: The Senior Citizens Act, 2007, Under Section 24 has criminalized the act of abandonment of the senior citizens by those persons who has obligation to take care of them. The Act provides that such act of abandonment of senior citizens shall be punishable with imprisonment which may extend to three months or with fine which may extend to 5000/- or with both.

Recommendation Provided Under the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019¹⁵

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in Lok Sabha of the Parliament of India on 11 December, 2019 which immediately on 23 December, 2019 was referred to the Standing Committee on

⁴ Section 7(2); Constitution of Maintenance Tribunal, The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

⁵ Section 8(2); Summary Procedure in case of inquiry; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

⁶ Section 8(3); Summary Procedure in case of inquiry; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

⁷ Section 6(6); Jurisdiction and procedure; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

⁸ Section 5(P); Application for maintenance; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

⁹ Section 23, Transfer of property to be void in certain circumstances; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

¹⁰ Section 16, Appeals; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

¹¹ Section 20, Establishment of oldest homes; The Maintenance And Welfare of Parents and Senior Citizens Act, 2007

¹² Section 20, Medical Support for Senior Citizen; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

¹³ Section 23, Transfer of Property to be void in Certain Circumstances; The Maintenance and Welfare of Parents and Senior Citizens Act.

¹⁴ Section 24, exposure and abandonment of Senior Citizen; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

¹⁵ <https://prsindia.org/files/bills-acts/bills-parliament/2019/Report%20Summary-Maintenance-Senior%20Citizens-Amendment-Bill%202019.pdf>; Standing Committee Report Summary

Social Justice and Empowerment. This Bill, 2019 was drafted as per the request of the Punjab and Haryana High Court as in the case of Paramjit Kumar Saroya V. Union of India ¹⁶, the court has examined the Senior Citizens Act, 2007 in detail and requested the Central Government to re-examine some ambiguous provisions of the Act, 2007 such as right to appeal of the parties, bar on legal representation etc.

By keeping in mind the directions of the courts the Bill, 2019 amends the various provisions of the Senior Citizens Act, 2007 e.g. the Bill has expanded the definitions of children, relative and parents, removes the upper limit of the maintenance amount which is payable to senior citizens under the Act, provides provisions for care homes and some other welfare measures for our senior citizens.
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No doubt, the MWPC Act, 2007 was enacted by our legislatures by keeping in mind every possible aspect at the time related to the issues which they are going to deal under the Act but with the passage of time, many vacuums felt in the Act, 2007 itself for the removal of which the Ministry of Social Justice and Empowerment came with some more recommendations under the “Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 which are as followings.

- **Care homes:** The Bill, 2019 mandate at least one care home and one multi-service day care centre in each district and requires the state governments to designate registration and regulatory authorities for registration and monitoring such care homes and day care centres.
- **Health Care facilities:** The Bill, 2019 requires to include all hospitals whether government or private to provide facilities of beds, separate queues, separate facilities for geriatric patients etc. Bill also requires to set up separate geriatric hospitals, research centres, adequate counselling facilities and geriatric health facilities for senior citizens in all states.
- **Application for maintenance:** The Bill provides for filing of maintenance application through registered post or online or by any other means also. It also provides for a dedicated common portal for senior citizens to file and track the progress of their maintenance application as well as disposal of such application within 60 days where the applicant is senior citizen of 80 years or above.
- **Maintenance Tribunals:** The Bill, 2019 recommends for the availability of sufficient manpower, training and infrastructure for the time-bound disposal of matters pending in Maintenance Tribunal.
- **Other recommendation under Bill, 2019:** Under the Bill, 2019 some definition have been changed such as children, parents etc. and some more terms have been added in the definition clause of the MWPC Act, 2007. Instead of the above some basic recommendations related to conciliation officers and maintenance officers have also been provided under the Bill, 2019.

However, the Bill, 2019 is an another welcome step for the welfare of senior citizens but still pending for its approval in the Parliament.

ROLE OF INDIAN JUDICIARY FOR EFFECTIVE IMPLEMENTATION OF THE MWPC ACT, 2007

For the proper and effective implementation of the Act, 2007, the Judiciary of India is playing a very important role through its landmark judgments.

- **Right of Senior Citizens to live peacefully prevails over forced Co-residence:** In the case Chandiram Anandram Hemnani V. Senior Citizens Appellate Tribunal & Ors (2025)¹⁸ the Bombay High Court emphasized on that the elderly parents cannot be compelled to accommodate or shelter their son and daughter-in-law if their presence affects the mental peace and safety of the elderly parents.
- **Liberal interpretation of the Act, 2007:** In its landmark judgement Urmila Dixit V. Sunil Sharan Dixit (2025)¹⁹, the Supreme Court emphasized on the liberal interpretation of the Senior Citizen Act, 2007 and held that “The Act is a beneficial piece of legislation It must be construed to advance the remedies available under it, especially in the case of harassment or neglect.”
- **Senior citizens can evict neglectful children from their property:** In the case of Kamalakant Mishra V. Additional Collector & Ors (2025)²⁰ the Supreme Court reaffirmed the legal right of senior citizens or parents under the Senior Citizens Act to legally evict the children who fails to maintain them or obstruct their peaceful living in their property.

¹⁶ AIR 2014 Punjab and Haryana High Court 121

¹⁷ <https://prsindia.org/files/bills-acts/bills-parliament/2019/Legislative%20Brief%20-Senior%20Citizens.pdf>; PRS, PRS LEGISLATIVE RESEARCH, Institute for Policy Research Studies

¹⁸ WRIT PETITION No. 7794 of 2020; Bombay High Court; Decided on- 18 June 2025

¹⁹ 2025 INSC 20/2025 SCO LR 1(1); Supreme Court of India; Decided on- 2 January 2025

²⁰ SLP(Civil) D. No. 42786 of 2025; Supreme Court of India

- **Eviction under the Senior Citizens Act, 2007 is not mandatory in all cases:** In the case of *Samtola Devi V. State of Uttar Pradesh & Ors (2025)*²¹ the Supreme Court hold that the primary objective of the Senior Citizens Act, 2007 is to secure maintenance and peaceful living of senior citizens and eviction of children or relative is not necessary in each and every case. The eviction can be ordered by the Tribunal only when it is necessary and expedient to protect the peaceful living of senior citizen and not merely because the property is claimed to be self-acquired property of that senior citizen.
- **Balancing the competing claims arising under Domestic violence Act, 2005 and Senior Citizens Act, 2007:** Both of these legislations are the specific legislations protecting the rights of two different vulnerable groups of India Society i.e. women and senior citizens. As the purposes and objectives of both of these legislations are quite different, on many occasions, a complex situation arised before the courts in form of competing claims arised under these specific legislation. While dealing with such situations the courts adopted a balanced approach between both of these legislations such as. In the cases of *Vinay Verma V. Kanika Pasricha and Anr.*²² ; *Sheetal Devang Shah V. Presiding Officer*²³ ; *S. Vanitha V. Deputy Commissioner, Bengaluru Urban District*²⁴ ; *Smt. Santosh Tyagi V. Government of NCT of Delhi & Ors.*²⁵ ; *Sanjivani Jayesh Seernani V. Kavita Shyam Seernani & Ors.*²⁶

CONCLUSION AND SUGGESTION

Despite to be a specific and comprehensive landmark piece of social welfare statute in India which has been specifically designed to impose enforceable legal duty on children and relative to maintain their parents and senior citizens instead of mere moral filial duty to maintain, on many points the legislation has been proved as a weak legislation which has been realised by our legislatures with the passage of time. To remove such weak areas of this particular legislation “The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in the Parliament which unfortunately has not passed till now and still is awaiting for its approval. The Bill, 2019 has been introduced by the Ministry of Social Justice and Empowerment with many key changes which is undoubtedly a welcome step towards this specific Act, 2007 as more effective and powerful legislation to protect the well-being of our senior citizens. However, India’s Commitment to protect the rights of senior citizens is evident in its legislative and other policies and facilities frameworks but still effective and strict implementation of related laws, investment in geriatric care facilities, increased public awareness, etc. is necessary to secure the dignity and wellbeing of our senior citizens.

ACKNOWLEDGMENTS

None.

²¹ Civil Appeal No. of 2025 (Arising out of S.L.P.(C) No. 26651 of 2023); Supreme Court of India; Decided on- March 2025

²² CM(M)1582/2018 & CM APRL. 53645/2018; Decided on 29 Nov. 2019; Delhi High Court

²³ Writ Petition No. 3323 of 2019; Bombay High Court; Decided on- 6 May 2022

²⁴ Civil Appeal No. 3822 of 2022; Supreme Court of India

²⁵ W.P.(C)4190/2023; Delhi High Court; Decided on-27 August 2024

²⁶ WRIT PETITION No. 28282 of 2023; Bombay H.C.; Decided On-18 March 2024