ScriptHive Global
Multidisciplinary
Research Journal
RESEARCH ACROSS ALL DISCIPLINES

ScriptHive Glob Multidiscip Res J
2026; Vol. 1 (Issue 1)
Page no. 21-26

ISSN (e): XXXX-XXXX
ISSN (p): XXXX-XXXX
Received: 22-08-2026
Accepted: 07-09-2026
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https://scripthive.org/sgmrj

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Elder Abuse and Legal Protection in India: An Updated Socio-Legal Review

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Abstract

India's rapid demographic ageing has made the safety, autonomy and dignity of older persons an increasingly important legal and social concern. Elder abuse is not limited to physical violence; it may include psychological or emotional abuse, financial exploitation, sexual abuse, neglect, abandonment and serious violations of dignity. This article reviews the contemporary problem of elder abuse in India and examines the principal legal remedies available to older persons. Particular attention is given to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, recent judicial interpretation of property-transfer protections, relevant offences under the Bharatiya Nyaya Sanhita, 2023, and current policy responses. Recent evidence shows both the scale of population ageing and continuing under-reporting of abuse. HelpAge India's 2024 survey of 5,169 older persons across 20 Tier I and Tier II cities found that 7% acknowledged experiencing abuse, while 5% declined to answer the question; sons and daughters-in-law were the most frequently identified perpetrators among those reporting abuse. The article argues that India's framework provides important remedies but remains fragmented in practice. Stronger awareness, accessible reporting systems, effective tribunals, coordinated health and legal responses, financial safeguards and prevention-oriented family and community interventions are required.

Keywords: elder abuse; senior citizens; maintenance; neglect; financial exploitation; MWPSC Act; Bharatiya Nyaya Sanhita; India

1. INTRODUCTION

Population ageing is changing the social and legal landscape of India. Older persons often contribute to families and communities for decades, yet ageing can also bring greater dependence on relatives, caregivers, health systems and financial arrangements. Where a relationship of trust is misused, dependence can become a source of vulnerability.

The World Health Organization describes abuse of older people as a single or repeated act, or a failure to take appropriate action, occurring within a relationship of trust and causing harm or distress to an older person. Globally, approximately one in six people aged 60 years or older is estimated to experience some form of abuse in community settings in a given year. The problem includes physical, psychological or emotional, sexual and financial abuse, as well as neglect, abandonment and loss of dignity.

The issue is likely to become more significant as India ages. UNFPA has projected that by 2050 approximately 346-347 million Indians, or about one-fifth of the population, will be aged 60 years or above. The demographic transition therefore makes elder protection not only a family concern but also a question of public health, access to justice, social security and human rights.

The source article correctly identified family relationships, neglect, maintenance and property disputes as important dimensions of elder abuse. However, several statistics, criminal-law references and legal explanations in the older manuscript require updating. This revised article therefore retains the central subject while rebuilding the analysis around current official data, recent research and contemporary Indian law.

2. Understanding Elder Abuse

2.1 Who is an older person?

For legal purposes, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 defines a 'senior citizen' as an Indian citizen who has attained the age of sixty years or above. The Act also protects 'parents' in relation to maintenance, and this protection is not confined only to parents who have crossed sixty years.

2.2 Who may be an abuser?

Abuse may be committed by an adult child, spouse, relative, caregiver, acquaintance, service provider or another person occupying a position of trust. The identity of the perpetrator should not be presumed from family status alone. Recent Indian survey evidence nevertheless shows that abuse is often reported within families: in HelpAge India's 2024 survey, sons accounted for 42% and daughters-in-law for 28% of identified perpetrators among respondents who reported abuse.

2.3 Forms of abuse

Physical abuse: The intentional use of physical force that causes or risks pain, injury, impairment or bodily harm. Depending on the conduct and injury, general criminal-law provisions on hurt, grievous hurt, assault or other offences may apply.

Psychological and emotional abuse: Humiliation, intimidation, threats, persistent verbal aggression, isolation, controlling behaviour and deliberate disrespect may cause serious psychological harm even when no visible physical injury is present.

Financial and material abuse: Unauthorized use of money, property, pension, bank accounts or documents; coercive transfers; deception; misuse of powers of attorney; and pressure to surrender assets are common forms of financial exploitation. Property and maintenance disputes can overlap with this form of abuse.

Sexual abuse: Any non-consensual sexual contact or conduct is abuse. Capacity and consent require particular attention where an older person has cognitive impairment or another condition affecting decision-making.

Neglect and abandonment: Failure by a responsible person to provide essential food, medication, medical care, shelter, hygiene, safety or other basic needs may amount to neglect. Deliberately abandoning a senior citizen in circumstances covered by the 2007 Act is separately punishable under that legislation.

Digital and technology-enabled exploitation: As older adults increasingly use digital banking, messaging and online services, fraud, impersonation, coercive access to devices and financial scams have become additional risks. These acts may engage general criminal, cybercrime and financial laws even though they are not a separate category under the Senior Citizens Act.

3. Risk Factors and Barriers to Reporting

Elder abuse rarely has a single cause. Risk may be increased by dependency, social isolation, cognitive impairment, disability, chronic illness, caregiver stress, financial dependence, substance misuse, family

conflict, inheritance disputes and weak access to outside support. Poverty and limited awareness of services can deepen vulnerability.

Under-reporting remains a major problem. Older persons may fear retaliation, loss of family support, homelessness, social stigma or damage to family relationships. Some may not recognize financial control, humiliation or neglect as abuse. HelpAge India's 2023 study of older women reported low awareness of redressal mechanisms, while its 2024 survey found that only a negligible proportion of abused respondents had lodged a police complaint.

Prevention therefore requires more than criminal punishment. Accessible helplines, primary healthcare screening, legal aid, financial safeguards, caregiver support, community networks and multidisciplinary intervention can help identify abuse before it becomes severe.

4. Contemporary Evidence on Elder Abuse and Ageing in India

Table 1. Selected recent indicators relevant to elder protection

Source	Indicator	Finding
WHO, 2024/2025	Global community prevalence	About 1 in 6 persons aged 60+ experiences abuse in a year.
UNFPA India, 2023-2024	India's demographic ageing	About 346-347 million Indians, roughly 20-21% of the population, are projected to be aged 60+ by 2050.
HelpAge India, 2024	Survey of 5,169 elders in 20 Tier I/II cities	7% acknowledged abuse; 5% declined to answer. Reported abuse was higher among SEC C respondents (11%) than SEC B (4%).
HelpAge India, 2024	Perpetrators among those reporting abuse	Sons 42%; daughters-in-law 28%.
HelpAge India, 2023	Older women and abuse	Among abused older women in the study, physical violence, disrespect and emotional/psychological abuse were prominent; 56% lacked awareness of abuse-redressal mechanisms.

These figures should be read with methodological caution. Survey percentages depend on sample design, geography, socioeconomic group, definitions and willingness to disclose abuse. They are indicators of the problem, not a single national prevalence estimate for every older person in India.

5. Legal Framework in India

5.1 Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 remains the central Union legislation specifically directed at maintenance and welfare of parents and senior citizens. It provides a comparatively summary mechanism through Maintenance Tribunals and also contains provisions concerning medical care, protection of life and property, old-age homes and abandonment.

Under Sections 4 and 5, an eligible parent or senior citizen who is unable to maintain himself or herself from earnings or property may seek maintenance from the persons specified by the Act. The detailed procedure and implementation depend in part on rules and administrative arrangements made by States and Union Territories.

Section 23 is particularly important in cases involving property. Where a senior citizen transfers property subject to a condition that the transferee will provide basic amenities and physical needs, and the transferee refuses or fails to do so, the transfer may be declared void by the Tribunal at the option of the transferor. This remedy is not the same as a general power to decide every property dispute involving an older person.

5.2 The Supreme Court's 2025 clarification: Urmila Dixit v. Sunil Sharan Dixit

In January 2025, the Supreme Court revisited Section 23 in Urmila Dixit v. Sunil Sharan Dixit. The dispute arose from a mother's transfer of property to her son and allegations that the promised care was not provided. The Court emphasized the beneficial purpose of the 2007 Act and restored relief granted to the senior citizen. The judgment is significant because it recognizes that effective protection under Section 23 may require restoration of possession and should not be reduced to an empty declaration where the statutory conditions are established. At the same time, the existence and legal significance of a condition to provide basic amenities and physical needs remains central to the statutory inquiry.

5.3 Abandonment under the 2007 Act

Section 24 of the 2007 Act addresses abandonment of a senior citizen by a person responsible for the senior citizen's care or protection. The provision may result in imprisonment, fine, or both. The source manuscript incorrectly discussed this provision under the Transfer of Property Act; it actually belongs to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5.4 General criminal law: Bharatiya Nyaya Sanhita, 2023

India's general substantive criminal law changed when the Bharatiya Nyaya Sanhita, 2023 (BNS) replaced the Indian Penal Code for offences governed by the new law from 1 July 2024. Elder abuse is not confined to a single BNS offence. Depending on the facts, physical violence, grievous injury, wrongful restraint or confinement, theft, cheating, criminal breach of trust, extortion, sexual offences, criminal intimidation and other offences may apply. For example, Section 351 of the BNS deals with criminal intimidation. Legal characterization must therefore be based on the actual conduct rather than on the victim's age alone.

5.5 Constitutional, policy and welfare context

The constitutional and policy framework complements statutory remedies. Article 41 of the Constitution directs the State, within its economic capacity and development, to make effective provision for public assistance in cases including old age. The Union Ministry of Social Justice and Empowerment continues to administer programmes concerning senior citizens. As of 2026, the Ministry identifies the 2007 Act as the principal maintenance-and-welfare legislation and states that a new National Policy for Senior Citizens is under finalization to replace the National Policy on Older Persons, 1999. The Ministry also continues senior-citizen programmes and Elderline-related administration.

6. The 2019 Amendment Bill and the Need for Careful Legal Updating

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 proposed substantial changes to the 2007 framework, including broader concepts of care and maintenance. However, a Bill must not be cited as if it were already enacted law. The Ministry's official policy page in 2026 continues to list the 2019 measure as an 'Amendment Bill' while separately identifying the 2007 Act as the operative central legislation. Academic writing on elder law should therefore distinguish clearly between enacted provisions, proposed reforms and State-specific rules.

7. Why the Legal Framework Still Faces Practical Gaps

First, awareness remains uneven. A statutory remedy is of limited practical value if older persons and caregivers do not know that it exists or cannot reach the relevant tribunal, police, legal-aid institution or support service.

Second, elder abuse crosses legal categories. A single case may simultaneously involve maintenance, domestic conflict, property transfer, financial exploitation, assault, intimidation and healthcare neglect. Fragmented institutional responses can force an older person to navigate several systems.

Third, evidence can be difficult to preserve. Psychological abuse and coercive financial control may occur privately and over long periods. Older persons may also be dependent on the alleged abuser for housing, transportation, medication or daily care.

Fourth, property remedies must be applied carefully. Section 23 is protective but is not a substitute for ordinary civil adjudication of every title or conveyancing dispute. Recent case law continues to examine the conditions under which transfers can be set aside.

Finally, legal enforcement should be complemented by prevention. Family counselling where safe, caregiver respite, community support, accessible healthcare, financial literacy, bank safeguards, legal aid and rapid emergency response can reduce vulnerability before litigation becomes necessary.

8. Recommendations

1. Strengthen public awareness of the Maintenance and Welfare of Parents and Senior Citizens Act, tribunal procedures, legal aid and available senior-citizen support services.

2. Develop standardized protocols for police, hospitals, banks, social workers and legal-services authorities to identify and refer suspected elder abuse.

3. Improve financial safeguards for older persons, including alerts for unusual transactions, safe powers of attorney, fraud awareness and accessible reporting channels.

4. Ensure that Maintenance Tribunals remain accessible, time-sensitive and sensitive to disability, mobility and digital-access barriers.

5. Expand caregiver support and community-based respite services, because prevention requires addressing caregiver stress as well as intentional exploitation.

6. Improve collection of nationally comparable elder-abuse data while protecting confidentiality and recognizing that disclosure rates may underestimate the true burden.

7. Promote legal literacy on conditional property transfers so that older persons understand the consequences of gifts, settlements and other transfers before execution.

8. Integrate elder-abuse prevention into healthy-ageing policy, primary healthcare, mental-health services and local community programmes.

9. Conclusion

Elder abuse is neither a purely private family matter nor a problem that can be solved by one criminal provision. It is a multidimensional violation of safety, autonomy, dignity and trust. India's Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides important maintenance, welfare and property-related remedies, while the Bharatiya Nyaya Sanhita and other general laws address criminal conduct that may accompany abuse. Recent judicial decisions have reinforced the protective purpose of the 2007 Act, particularly where a senior citizen has transferred property in expectation of care. Yet demographic ageing, under-reporting, low legal awareness and dependence on family caregivers continue to expose gaps between law on paper and protection in practice. A credible response requires accessible justice, reliable data, prevention, healthcare participation, financial safeguards and coordinated community support. As India's older population expands rapidly, protecting older persons from abuse must be treated as a continuing rule-of-law and social-policy priority.

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