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ECONOMIC SECURITY OF SENIOR CITIZENS: LEGAL AND POLICY PERSPECTIVES

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ABSTRACT

Old age is a process which occurs naturally in the human life cycle. "It is the decline in the capacity of the functioning of the organs of human body". However, they constitute a reservoir of human resources, gifted with knowledge, deep insights and varied experiences in many walks of life. They are the senior participants of the family system who recognize better the faith, family history, values and related customary practices. The rights and welfare of senior citizens constitute a critical area of social justice and human development. With India's ageing population projected to reach over 300 million by 2050, safeguarding the dignity, economic security, healthcare access, and protection from abuse for the elderly has become an urgent priority.

In modern society, the economic security of senior citizens has come out as a critical, social and policy concern. Traditionally, the care, respect and welfare of the senior citizen were certified through well-built cultural, moral and religious values, as indicated in sacred texts such as the Bhagavad Gita (Bhagavad Gita, n.d., Chapter 3, Verse 19), the Quran (Quran, n.d., 17:23), and the Bible (Bible, n.d., Exodus 20:12), which accentuates respect, responsibility, and care for parents. However, the collapse of joint family systems, and rapid urbanization, and industrialization have weakened these traditional support mechanisms.

Population ageing is a global miracle. With the passage of time, every country in the world has witnessed the growth in the size and proportion of aged people in their population. Population ageing is an ineluctable demographic reality that is associated with advancements in health and medical care system. With life and declining fertility rates, the population of elderly people (aged 60 and above) is growing faster than the general population encyclopedically. This miracle is known as population ageing. When population age increases fleetly, this has counter accusations on the socioeconomic and health status of the senior.

The purpose of this paper is to examine the socio-economic landscape of senior citizens in India through the lens of the constitutional guarantees, socio-legal perspectives and the persisting challenges. It analyzes key legislative frameworks such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Government of India, 2007), along with major government schemes like the Indira Gandhi National Old Age Pension Scheme and Atal Pension Yojana (Pension Fund Regulatory and Development Authority,). The study emphasizes how the statutory provisions, constitutional mandates under Articles 21 and 41, and judicial interpretations combine together to safeguard the rights of the elderly. The study also highlights the existing gaps in implementation and suggests measures to strengthen social protection systems.

The paper concludes that while India has developed a robust legal and policy framework, effective implementation, awareness, and integration with traditional value systems are essential to ensure financial independence, dignity and well-being of senior citizens.

KEYWORDS: - Senior Citizens, Economic Security, Pension, Legal Framework, India

INTRODUCTION

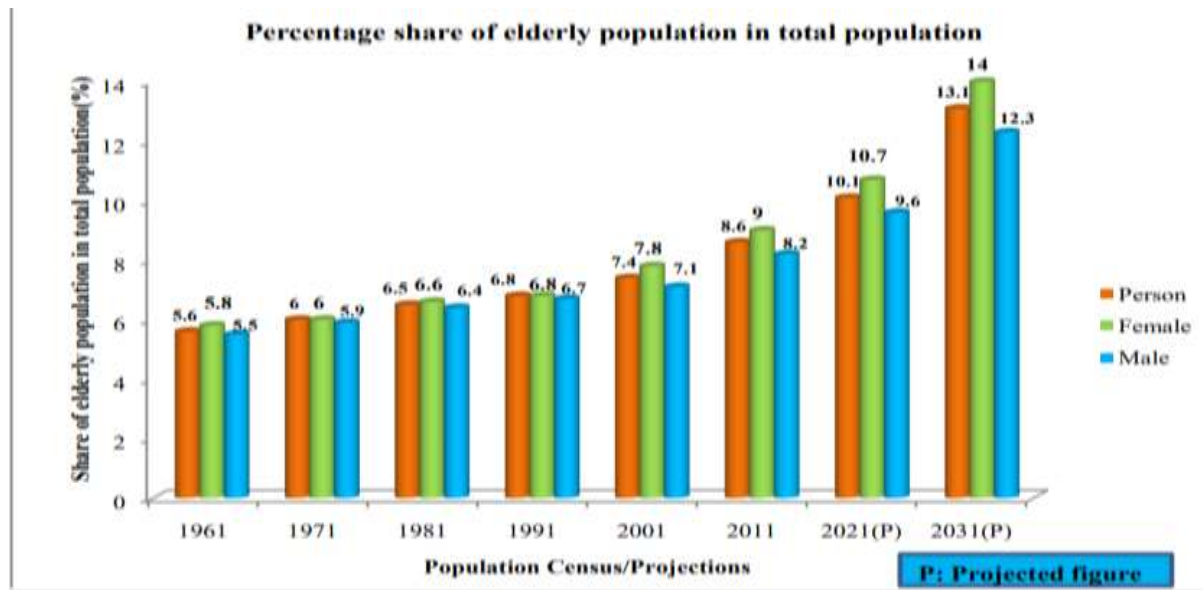
The life of human being is divided into seven phases: babyhood, pupil, juvenile, young fellow, man in his prime, senior citizen, dotage, and death. Mitakshara is a school of Hindu Law from which the structure of the joint family is governed, in which it is mentioned that karta, is a leader who controls the power of decision making in the family, and other members of family are bound to respect and obey the decision. The diverse religious traditions of India that consistently emphasize respect, care for elder. The society of India is pluralistic which is rooted in diverse religious traditions. The Scriptures like: Taittiriya Upanishad (Shiksha Valli 1.11.2; “Matru Devo Bhava, Pitru Devo Bhava”); Islam (Qur’an; Surah Al-Isra; 17:23) ; Sikhism (Guru Granth Sahib) and Christianity (Bible; Exodus 20:12, Leviticus 19:32) etc. all these strongly emphasize respect and care for elder as divine duty. These principles form the ethical backbone of modern welfare legislation in India. The transformations as a legal duty under the Maintenance and Welfare of Parents and Senior Citizens Act, 2001, has been come from the ethical obligation to care for parents, which is deeply embedded in religious traditions. all these bridging morality with enforceable rights. India is undergoing a demographic transition marked by an unprecedented rise in its elderly population. Numerous studies mention that aged grown-

ups frequently suffer from long-term health problems similar as arthritis, blood pressure, diabetes and poor sight. According to the World Health Organization (WHO) by 2050, the world's population aged 60 and above will double (2.1 billion). The number of people progressed 80 times and over is anticipated to triple between 2020 and 2050 to reach 426 million (Ageing and Health, 2022). According to Census protrusions, the number of persons progressing to 60 and above will reach nearly 194 million by 2031 and may cross 300 million by 2050. United Nations proposed a Draft declaration on Old Age Rights in 1948. Again by 1969, this point was placed on the docket of the General Assembly. In 1972 the profitable Social Council (ECOSOC) of the UN meditated on this issue at length but it could not be espoused. The first World Assembly on Ageing (WAA) was held in Vienna, Austria, in August 1982.”

Indian courts have expanded indigenous rights similar as equivalency (Article 14), life with quality (Article 21), and protection from exploitation (Articles 23 – 24) to address the requirements of elderly citizens. Judicial interventions have impelled governments to operationalize welfare schemes, uphold conservation rights, and cover elders from abuse and abandonment. An adding trend in chance share of senior persons to the total population of India is observed since 1961. In 1961, 5.6% of the population was in the age of 60 or further, the proportion increased to 10.1% in 2021 and further likely to increase to 13.1% in 2031.

Table 3.3: Percentage share of elderly population in total population

Source	Person	Female	Male	Rural	Urban
Census 1961	5.6	5.8	5.5	5.8	4.7
Census 1971	6.0	6.0	5.9	6.2	5.0
Census 1981*	6.4	6.6	6.4	6.8	5.4
Census 1991**	6.7	6.8	6.7	7.1	5.7
Census 2001***	7.4	7.8	7.1	7.7	6.7
Census 2011***	8.6	9.0	8.2	8.8	8.1
Census 2021(Projections)	10.1	10.7	9.6	NA	NA
Census 2031(Projections)	13.1	14.0	12.3	NA	NA



Source: *Population Census Data and Report of the Technical Group on Population Projections November 2019, Population Projections for India and States 2011-2036, Census of India 2011*

* *The 1981 Census could not be held in Assam owing to disturbed conditions. The population figures for 1981 of Assam were worked out by 'interpolation'.*

** *The 1991 Census was not held in Jammu & Kashmir. The population figures for 1991 of Jammu & Kashmir were worked out by 'interpolation'.*

*** *The figures include the estimated population of MAO Maram, Paomata and Purul subdivisions of Senapati district of Manipur*

OBJECTIVE

- To examine the acceptability of being legal vittle in guarding elderly citizens.
- To identify crunches and perpetration challenges in the law.
- To examine their income sources, pension access, fiscal dependence, and capability to cover diurnal and medical requirements.
- To check how well social security programs reach the senior, find gaps and suggest advancements.
- To give practical suggestions for government, NGOs and community groups to improve senior care and support.

CONCEPTUAL FRAMEWORK

According to the International Labour Organization (ILO), social and economic security involves “*protection that society provides to its members through public measures against*

economic distress caused by loss or reduction of income” due to old age, sickness, disability, unemployment, or death of a breadwinner. (Building Knowledge Base on Ageing in India: Increased Awareness, Access and Quality of Elderly Services by UNFPA)

According to Annual Reports of NITI Aayog 2024-25, economic security indicates to be an important dimension of senior citizen welfare. As the population of elderly aged 60+ in India has crossed 138 million and is projected to reach nearly 192 million by 2030, it brings concerns regarding post-retirement financial security to the core of elderly security in the country.

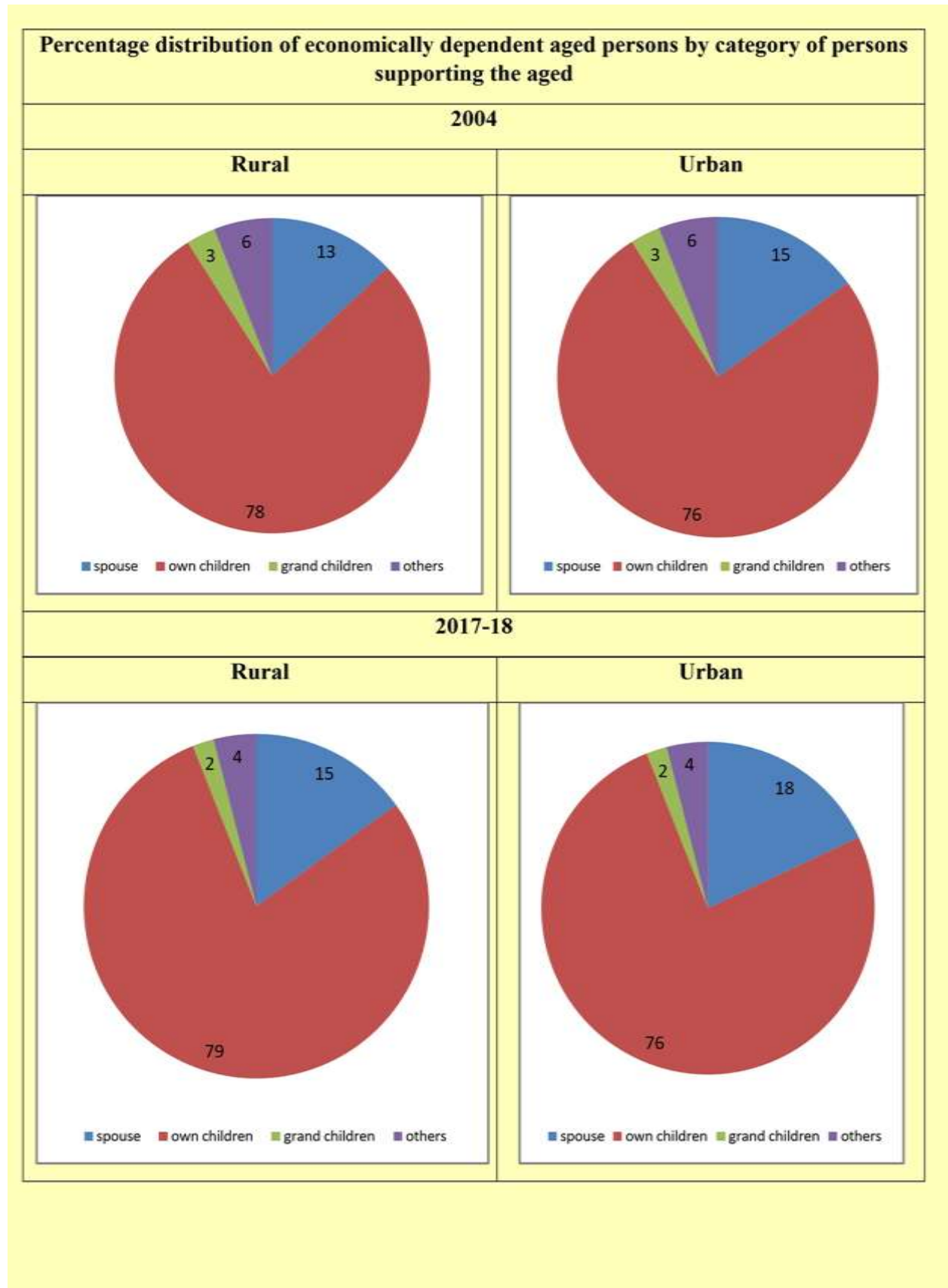
Economic security of senior citizens in India is primarily ensured through 4 inter-related components:

1. Financial independence
2. Access to pension or retirement income
3. Ownership and protection of property
4. Availability of social welfare and social protection systems

SOCIO- ECONOMIC CONDITION OF SENIOR CITIZENS

The seniors in India face different forms of abuse and have different precariousness. One similar instability is fiscal instability. The Longitudinal Aging Study in India (LASI 2017- 18) notes that due to changing circumstances, especially the kin and kin of elderly citizens moving down from them for education and job openings and the shift in family structure, from a common family to a nuclear family, is leading to major profitable impact amongst the elderly citizens. The profitable situation of elders in India is bottomless. The LASI study set up that out of all elderly citizens surveyed, only 35.7 were presently working, while 37.9 worked in the history, but weren't working after the age of 60, while 26.4 had never worked. The statistics also show the unsexed differences – while 50.9 of the men above 60 times of age were still working, this number was only 22 when it came to ladies. Utmost of the elderly citizens who were still working were living in pastoral areas and belonged to the unorganized sector. They were substantially employed in husbandry – either in granges, fisheries, forestry or as agrarian laborers. Also, the mean yearly income for people working after the age of 60 in husbandry is a stingy Rs. 4856. Our system of furnishing pensions also needs a major overhaul. 78 of the population of elders above 60 years of age don't get and don't anticipate getting a pension in India. Only 19 of the population gets a pension, and only 3 anticipate admitting one soon. This

pattern is also seen in the organized sector – while 7 of the population has retired from working in the organized sector, only 6 of that gets a pension.



LEGAL FRAMEWORK IN INDIA

It has been observed that despite the various policies and laws that have been provided for senior citizens, the number of cases of harassment have been uncontrolled in our country. The main reason is the lack of executability of the laws. The penal provisions are not strict enough to create fear among the abusers. The punishment given under this is not enough to give justice to elders. These punishments do not compromise the trauma that the elders have gone through. With such forbearing punishments, the executability of the above-mentioned laws and acts is reduced. Government failed to provide complete protection even though legal protection has been instituted in society

For instance- The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill 2019, includes more provisions but it lacks as far as stringent punishments are concerned (Analysis of laws in relation to protection of senior citizens against harassment and neglect, 2022). Further, this bill has not been approved by the parliament yet which reflects how this issue of senior citizens is not much of a priority for the government

In addition to this, elderly citizens, in particular, those who are grounded in pastoral areas are ignorant of their rights against the conduct rehearsed by their family members. The lack of knowledge acts as a handicap to aiding elderly citizens by all means.

Section 194P- The Income Tax Act 1961

According to Section 194P of the Income Tax Act, of 1961, it provides suitable conditions for exempting Senior Citizens from filing income tax returns aged 75 years and above. This section also gives rights to senior citizens who are 75 years or above and have only pension and interest income as their sources of income, elderly can submit a declaration to the specified banks for deduction of tax at source (TDS), if any on the said income. Such senior citizens will not be required to file their Income Tax Returns (ITRs)

The Gratuity Act- 1972

According to this provision the payment of gratuity is a retirement benefit for employees engaged in factories, mines, oil fields, ports, plantations, railways, companies, shops, and other establishments. The law applies to shops and establishments in a state, in which ten or more persons are employed on any day of the preceding twelve months.

Section 125- Code of Criminal Procedure 1973 (Section 144 of BNSS)

Section 125 of the Code of Criminal Procedure (referred to as Cr. P.C. 1973) is for that person who is having sufficient means but refuses to maintain his father or mother, who is unable to support themselves.

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

The Maintenance and Welfare of Parents and Senior Citizen Act-2007 was enacted to reduce the rapid rate of abuse against senior citizens and parents in India and give them maintenance, care with welfare. In India every citizen of age 60 or above is to be considered a ‘senior citizen’. It gives equally protecting a ‘male’ and ‘female’ senior citizen. It includes biological, adoptive, and stepparents as ‘parents; under the Act. It defines ‘children; to include grandchildren along with biological children, with both categories meeting the age of majority.



LANDMARK JUDGMENTS AND THEIR CONTRIBUTION TO ELDER RIGHTS JURISPRUDENCE

Dattatraya Moreshwar v. State of Bombay (1952)

The Supreme Court acknowledged that dignity is an essential part of the right to life in one of its first rulings. This ruling established the groundwork for subsequent decisions pertaining to the care and dignity of the elderly, even if it was not directly concerning them.

Parmanand Katara v. Union of India (1989)

The Court held that every person, including elderly citizens, has the right to exigency medical care. This judgment has informed latterly opinions on senior healthcare and state responsibility. *Gaurav Nagpal v. Sumedha Nagpal* (2009) In agitating weal in family matters, the Court emphasized that the well-being of senior parents is a matter of consummate consideration. This line of logic has been applied in conservation controversies involving aged persons. *Ashwani Kumar v. Union of India* (2018) A major turning point in elder rights justice.

Key directives:

1. All states must establish old-age homes in every district.
2. Governments must provide geriatric care, ensure equitable access to healthcare, and strengthen the National Programme for the Health Care of the Elderly (NPHCE).
3. States were asked to implement the MWPSA Act effectively.
4. The Court emphasized that senior citizens have a right to live with dignity, drawing from Article 21 and international standards. This case set a national framework for elder rights, compelling states to institutionalize welfare norms. *Paramjit Kumar Saroya v. Union of India* (2014) The Punjab and Haryana High Court held that the right to maintenance under the MWPSA Act is a statutory right that supersedes the Code of Civil Procedure. The Court emphasized a speedy, informal, and accessible mechanism for older persons, recognizing their limited mobility and resources.

Sunny Paul v. State (2017, Delhi High Court)

The Court ruled that elderly people have the right to live in peace and to remove violent children or family members from their property. This ruling has had a significant impact on shielding senior citizens from coercion and domestic violence. *Union of India v. Justice Sunanda Bhandare Foundation* (2017) The Supreme Court affirmed that the socioeconomic rights of

elders are constitutionally related to dignity and reaffirmed the state's duty to create welfare infrastructure for the aged, including shelters and caregiving services. Dr. Ashwani Kumar (Evaluation & Further Directives) In order to ensure that maintenance tribunals operate efficiently, NGOs and civil society support elder welfare, and state governments report on the status of senior citizen programs, the Court continued to check adherence to previous directions.

GOVERNMENT POLICIES, LAWS AND SCHEMES (INDIA WITH SPECIAL REFERENCE TO JHARKHAND)

National Social Assistance Program (NSAP)

This includes the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), which provides a small monthly pension to elderly persons living below the poverty line. Although it aims to support the poorest section, the amount is very low and insufficient for basic living.

Pradhan Mantri Vaya Vandana Yojana (PMVVY)

This scheme provides a guaranteed pension to senior citizens above 60 years. It is useful for ensuring a regular income but requires a lump sum investment, making it less accessible for poor elderly people.

Pension payments under the PMVVY plan are made in accordance with the investor's selected pay-out option. They can be produced on a monthly, quarterly, half-yearly, or annual basis.

The insurance can be bought with the annual pension option for a minimum of Rs. 1,56,658 (for annual pensions of Rs. 12,000) and a maximum of Rs. 14,49,086 (for annual pensions of Rs. 1,11,000).

The monthly option is between Rs. 15,00,000 (Rs. 1,11,000 annual pension) and Rs. 1,62,162 (Rs. 12,000 annual pension) (LIC India).

Mode of Pension	Minimum Investment amount (Rs)	Maximum Investment amount (Rs)
Monthly	1,62,162	15,00,000
Quarterly	1,61,074,	14,89,933
Half-yearly	1,59,574	14,76,064
Yearly	1,56,658	14,49,086

Source: LIC India

The LIC website states that the plan will offer an assured pension of 7.40% annually for FY 2022–2023. due on a monthly basis. For all policies purchased through March 31, 2023, the promised rate of pension will be paid for the ten-year insurance period.

They offer immediate annuity plans, which allow one to receive a lifetime pension in exchange for a lump sum upfront investment, in contrast to LIC and other insurers. However, the PMVVY plan offers higher pension rates. The 10-year lock-in of the PMVVY may seem more practical to people looking for liquidity than the lifetime lock-ins of other instant annuity plans. Additionally, while instant annuity contracts charge GST at 1.8% of the purchase price (Is PMVVY better than other senior citizen schemes, 2021)

However, the PMVVY scheme has certain disadvantages. For example, the monthly pension is limited to Rs. 9,250 due to the Rs. 15 lakh restriction on total assets. Additionally, this plan offers the same pension.

Charge for every subscriber who is older than 60. In contrast, pension rates increase with age in other immediate annuity schemes. For example, a 70-year-old can receive a 30% higher pension under Jeevan Akshay VII than a 60-year-old with a comparable purchase price (Is PMVVY better than other senior citizen schemes, 2021).

Senior Citizen Savings Scheme (SCSS)

This is a government-backed savings scheme offering higher interest rates. It is considered safe and reliable but mainly benefits those who already have savings.

Atal Vayo Abhyuday Yojana (AVYAY)

This scheme focuses on providing shelter, healthcare, and support services to elderly people, especially those who are poor and dependent.

Indira Gandhi's national old age pension scheme (IGNOAPS)

One of the National Social Assistance Program's (NSAP) five sub-schemes is the Indira Gandhi National Old Age Pension Scheme. The NSAP is a social welfare program designed to help low-income households in India, particularly those with disabilities, widows, and the elderly.

The NSAP at present includes the following sub-schemes;

- a) Indira Gandhi Old Age Pension Scheme (IGNOAPS)
- b) Indira Gandhi National Widow Pension Scheme (IGNWPS)
- c) Indira Gandhi National Disability Pension Scheme (IGNDPS)
- d) National Family Benefit Scheme (NFBS)

e) Annapurna Scheme

In contrast, the main goal of IGNOAPS is to give qualified senior Indian residents social protection. The beneficiaries of the scheme receive monthly pensions. One important aspect is that beneficiaries are not obliged to make contributions because it is a non-contributory pension plan.

Whatever sum in order to get the pension.

Citizens who are 60 years of age and below the poverty line are eligible to apply under IGNOAPS. A pension of Rs. 200 per month until age 79, and then Rs. 500



Source: National Social Assistance Programme, Ministry of Rural Development

Jharkhand Scenario

A part for this, there is one more scheme that has been introduced by the state of Jharkhand in the name of the [Mukhya Mantri Rajya Vridhavastha Pension Yojana](#) provides a monthly pension of Rs. 1,000 to eligible senior citizens. Notably, the state has lowered the qualifying age to 50 for women, Scheduled Tribes (ST), and Scheduled Castes (SC), while it remains 60 for others. Applicants must be permanent residents and not recipients of other pension schemes. Thus, although policies exist, their effectiveness is reduced due to poor implementation at the ground level.

JUDICIAL PERSPECTIVE

The Indian judiciary has played a very vital role in guarding the legal and fundamental rights and economic security of senior citizens. Hon’ble Supreme Court and various High Courts have interpreted Article 21 of the Indian Constitution, which guarantees the right to life, to include the right to live with dignity as mentioned in the landmark case Menaka Gandhi Versus

Union of India. This dignity of senior citizens is not limited to mere survival in life but includes financial security, shelter, healthcare, and protection from abuse.

Indian courts have also made it clear that all children have a legal duty to maintain their parents under section 125 of CrPC (Section 144 of BNSS). This obligation is enforceable under Section 125 of CrPC as well as under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPSA). In Various precedent, Hon'ble Supreme Court and various High Courts have taken a strong stand by allowing old age person / senior citizens to evict abusive or children from their own property. This ensures that elderly people can live peacefully without fear or harassment.

Further, the various court have been continuously directing the government to improve old age pension schemes, provide better medical aid and facilities, and establish Vridha Aashram. These executions show that the courts and various NGOs recognize the responsibility of the State and society toward old age citizens. However, despite such catena of judgments, the benefits could not be able to reach the ground level due to poor implementation and lack of knowledge among old people.

ISSUES & CHALLENGES

Despite of having Acts, Rules and schemes, senior citizens in India face multiple challenges:

Financial Dependency

Many senior citizen depend on their families for basic need that is food shelter and cloth and many have no independent income source due to which it becomes very difficult for their survival.

Weak Implementation of Laws

Even though legal Acts, schemes and rules exist in the big country Like India, the enforcement or execution is weak. Maintenance orders are often not properly executed at the ground level.

Inadequate Pension

Govt. pensions are too low to meet their basic needs like food, shelter, clothes and medical care.

Rising Healthcare Costs

Medical expenses for senior citizens are much higher in our country due to which it creates more financial burden to the Indian Economy.

Social and Emotional Barriers

Many senior citizens cannot lodge cases against their children due to unawareness, emotional attachment and peer social pressure.

Rural-Urban Divide

Old age Persons in village areas used to face more difficulties due to lack of awareness, transportation, infrastructure, local remedies and access to legal remedies.

SUGGESTIONS AND REFORMS

To improve and for the growth of the economic security of senior citizens, the following reforms are necessary:

Increase Pension Amount

Pension amount should be revised and increase the amount according to inflation and basic living standards of senior citizen.

Strengthen Implementation

- Improve functioning of Maintenance Cases
- Avoid giving directions and ensure strict enforcement of orders
- Fix the competent accountability of authorities

Awareness Programs

Educate old age about their legal rights especially in village areas through various mode like T.V., Newspaper, etc.

Universal Social Security

Increase pension coverage to include all old age people, not just those below the poverty line (BPL).

Improve Healthcare Facilities

Provide free or subsidized Medicare and establish special wards for senior citizens.

Promote Financial Independence

Improve and encourage post-retirement employment and savings schemes for the old people.

Use of Technology

Update with the simple processes through digital systems while ensuring accessibility so that every senior citizen may easily access or use the technology.

Community Participation

Make various Plans or strategy for participating various NGOs, local bodies, and communities in elderly care and support systems.

Conclusion

The economic security of senior citizens is a important issue that reflects the true color of Indian society. India has made various efforts through Acts, Rules and welfare schemes, and the judiciary has actively interpreted and protected the rights of elderly persons.

However, it is pertinent to mention here that it remains a large gap between legal provisions and their actual execution. A harmonious or balanced approach is needed; where law; government policy; and social responsibility work together with the help of Society and Government for the betterment of society.

Strengthening Perpetration, adding mindfulness, and perfecting weal measures are essential way. Eventually, a society that ensures quality, security, and independence for its elderly citizens is a truly just and progressive society.

Thus, economic security is not merely an economic concept but also a rights-based welfare framework supported by legal guarantees and state policy interventions.

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