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A COMPREHENSIVE STUDY OF LEGAL FRAMEWORKS AND ECONOMIC IMPLICATIONS OF ELDER ABUSE IN INDIA

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Abstract

“Elder abuse is a pressing yet understudied issue in India, with significant legal, social, and economic ramifications. This study provides a comprehensive analysis of the existing legal frameworks addressing elder abuse in India, evaluating their efficacy in safeguarding the rights and dignity of the elderly. By examining key legislation such as the Maintenance and Welfare of Parents and Senior Citizens Act (2007) and relevant provisions in the Indian Penal Code, the paper identifies critical gaps in enforcement, accountability, and victim support. Beyond legal scrutiny, the study delves into the economic implications of elder abuse, assessing its impact on healthcare expenditures, social welfare systems, and intergenerational financial stability. Using a mixed-methods approach—incorporating legal analysis, case studies, and economic modelling—the research highlights how systemic neglect and abuse contribute to increased public and private costs, exacerbating the financial vulnerability of aging populations. Furthermore, the study explores socio-cultural factors that perpetuate elder abuse, including changing family structures, economic dependency, and societal attitudes toward aging. It proposes policy recommendations aimed at strengthening legal protections, enhancing institutional support, and fostering economic security for the elderly. By bridging the gap between legal scholarship and economic analysis, this study underscores the urgent need for a multi-dimensional approach to combat elder abuse, ensuring both justice for victims and sustainable economic outcomes for India’s ageing population.”

Keywords: *Elder abuse, legal frameworks, economic implications, India, social welfare.*

I. Introduction

The World Health Organisation (WHO) defines elder abuse as a single or repeated action, or the absence of an adequate reaction, occurring within relationships where trust is expected, leading to harm or suffering for older persons.¹ In India, a nation historically characterised by profound cultural traditions emphasising respect and care for the elderly, the rising incidence of elder abuse presents a discordant and disconcerting juxtaposition to these values.² This issue not only undermines the moral fabric of society but also signifies broader structural challenges inside the nation's economic and legal frameworks. Predictions indicate that the old population in India, defined as those aged 60 and over, constituted around 8.6% of the total population in 2011.³ This proportion is projected to increase substantially to 20% by the year 2050. The rise in life expectancy and declining birth rates are two elements leading to an ageing population, hence necessitating robust structures to safeguard the rights and welfare of older individuals. This demographic change is mostly influenced by these two variables concurrently. The extensive consequences of elder abuse, which extend beyond the suffering of the individual to include significant economic burdens for families, communities, and the state, underscore the need to confront the problem of elder abuse. Data from the Longitudinal Ageing Study in India (LASI, 2017–2018) indicates that 5.22 per cent of senior individuals reported experiencing abuse in the year before the survey.⁴ This number fluctuates significantly among states, reflecting disparities in socioeconomic situations, cultural norms, and the accessibility of support networks.

Elder abuse manifests via several symptoms, including physical, psychological, financial, and sexual abuse, in addition to neglect.⁵ The offenders of elder abuse are often family members, particularly sons and daughters-in-law. The rapid societal changes illuminate the complex interaction among familial expectations, reliance on economic resources, and the decline of conventional support structures. From an economic perspective, elder abuse incurs significant expenses, including elevated healthcare expenditures, diminished productivity among victims, and a heightened need for social services. Legally, India has sought to tackle

¹ World Health Organization. Ageing, Life Course Unit, & Université de Genève. Centre interjacent de gerontology. (2008). *A global response to elder abuse and neglect: building primary health care capacity to deal with the problem worldwide: main report*. World Health Organization.

² Soneja, S. (2011). Elder abuse in India. *Country report to World Health Organization. HelpAge India, New Delhi.*

³ *Ibid.*

⁴ HelpAgeIndia, Available at <https://www.helpageindia.org/documents/research/research-reports>.

⁵ Roepke-Buehler, S. K., Simon, M., & Dong, X. (2015). Association between depressive symptoms, multiple dimensions of depression, and elder abuse: A cross-sectional, population-based analysis of older adults in urban Chicago. *Journal of Aging and Health, 27*(6), 1003-1025.

these issues by implementing the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, aimed at protecting the rights of senior citizens through mandates for financial support and the criminalisation of abuse. Conversely, the effectiveness of these legal processes is sometimes hindered by inadequate enforcement, a deficiency of awareness, and entrenched cultural norms that obstruct reporting. This article employs an economic analysis of law to assess how current legal frameworks address elder abuse, their economic implications, and the potential for policy reforms to alleviate this widespread issue. This methodological approach evaluates legal rules and institutions based on their efficiency and resource allocation effectiveness. This study aims to provide a comprehensive understanding of elder abuse in India by integrating economic principles with legal and socio-cultural perspectives. The research seeks to provide specific methods for enhancing the well-being of the elderly population.

The primary objective of this article is to analyse elder abuse in India from an economic standpoint. The research will focus on the direct and indirect costs associated with abuse, the efficacy of legal measures, and the socio-economic factors that increase vulnerability among the elderly. The study utilises secondary data sourced from credible entities, including the LASI survey, HelpAge India publications, and scholarly studies. The research also includes economic concepts like cost-benefit analysis and bioecological systems theory. This approach is particularly useful for contextualising elder abuse within India's socio-economic environment, since it examines the interplay of individual characteristics, family dynamics, community influences, and broader societal structures. The methodology encompasses a thorough literature review to consolidate existing knowledge, a statistical analysis of prevalence data to identify trends and disparities, and an economic evaluation of legal enforcement measures to assess their efficiency and effectiveness. The article is structured to first outline the prevalence of elder abuse in India and its various manifestations, followed by an economic analysis of its consequences, an evaluation of the legal frameworks aimed at combating abuse, and evidence-based policy recommendations to address existing gaps in protection and enforcement.

This study aims to contribute to the broader discourse on elder abuse in India, seen as both a public health issue and an economic need. This will be achieved by examining the economic incentives and disincentives embedded inside legal and social systems. The results are expected to furnish policymakers, legal practitioners, and social activists with insights

regarding the necessity for more stringent enforcement of existing laws, enhanced public awareness initiatives, and the creation of support systems that mitigate the economic and social vulnerabilities of the elderly. The study emphasises the need of interdisciplinary collaboration in combating elder abuse. Solutions must examine the economic, legal, cultural, and psychological dimensions of the issue. This research aims to provide a more comprehensive and sustainable strategy for safeguarding the rights and dignity of India's elderly population. This is undertaken to guarantee that the nation's demographic shift does not adversely affect its elderly population. The conclusions of this investigation have implications that extend beyond India. They provide insights applicable to other rapidly ageing nations facing similar challenges. Consequently, they aid global initiatives to eradicate elder abuse and foster inclusive development for all age demographics.

II. Prevalence and Forms of Elder Abuse in India

The abuse of old people has emerged as a significant social issue in India, but it remains underreported. The incidence rates of this issue vary significantly between studies due to methodological discrepancies, regional variations, and cultural barriers to disclosure. The Longitudinal Ageing Study in India (LASI, 2017-2018) revealed that approximately 5.22% of individuals aged 60 and above reported experiencing some form of abuse in the preceding year, with 3% of these seniors indicating that the abuse occurred specifically within their family.⁶ Nonetheless, several studies suggest that the rates are far higher. A 2018 poll by HelpAge India revealed that over twenty-five per cent of elderly individuals residing in urban areas had experienced abuse, mostly perpetrated by sons (52%) and daughters-in-law (34%). The results of a community-based study done in rural Puducherry indicated a concerning prevalence of sixty percent among lower socio-economic groups, underscoring the heightened susceptibility of economically disadvantaged elderly individuals.⁷

Emotional abuse is the most often reported form of elder abuse in India.⁸ The nature of elder abuse in India encompasses several forms. The Building Knowledge Base on Population Ageing in India (BKPAI) survey indicates that up to 10.2% of elderly individuals experienced verbal abuse and scorn. 5.4% of respondents reported suffering financial exploitation, often linked to property disputes. Physical abuse (5.3%) and neglect (5.2%) were significant

⁶ HelpAgeIndia, Available at <https://www.helpageindia.org/documents/research/research-reports>.

⁷ *Ibid.*

⁸ Polisky, R. A. (1995). Criminalising physical and emotional elder abuse. *Elder LJ*, 3, 377.

concerns reported by the same number of respondents. Although reported seldom, sexual abuse is a substantial issue, particularly affecting elderly women. These figures certainly represent a substantial underestimation of the actual prevalence due to cultural shame, fear of familial disgrace, and economic reliance on offenders, all of which inhibit reporting.

The socio-economic, cultural, and structural factors contributing to the discrimination of older people in India are well entrenched. Economic dependence is a critical risk factor. Research indicates that elderly individuals reliant on familial financial support have a significantly heightened risk of maltreatment (Adjusted Odds Ratio [AOR] = 1.62, 95% Confidence Interval [CI]: 1.25–1.99)⁹. This vulnerability is exacerbated by inadequate social security systems, limited pension coverage, and constrained employment opportunities for the elderly, with 57% of surveyed individuals reporting financial instability. The rise of urbanisation and the transition from joint to nuclear family structures have further compromised traditional parenting approaches. This has led to elevated stress levels among caretakers and a heightened risk of neglect and abuse.¹⁰

Cultural norms that prioritise familial reputation above individual well-being contribute to the underreporting of elder abuse. To save their family's status within the community, around 59% of elderly victims choose not to report the abuse they have endured (9). Gender disparities significantly impact older women, who encounter heightened risks due to systemic economic disadvantages, widowhood, and diminished social status, rendering them more susceptible to neglect and financial exploitation.¹¹ This is due to the increased likelihood of older women being without a spouse. The aforementioned risks are exacerbated by health-related vulnerabilities; elderly individuals with multiple ailments (adjusted odds ratio = 1.88, 95% confidence interval: 1.54–2.21) or functional dependence (adjusted odds ratio = 1.86, 95% confidence interval: 1.42–2.29) are at an increased likelihood of experiencing abuse, as their carers frequently perceive them as burdensome.¹²

⁹ Sathya, T., Selvamani, Y., & Nagarajan, R. (2022). Elder abuse/mistreatment and associated covariates in India: Results from the Longitudinal Ageing Study in India wave 1, 2017/2018.

¹⁰ Economic and Political Weekly. (2021). Proposing a Bioecological Framework for Elder Abuse in India., Available at <https://www.epw.in>.

¹¹ Sathya, T., Selvamani, Y., & Nagarajan, R. (2022). Elder abuse/mistreatment and associated covariates in India: Results from the Longitudinal Ageing Study in India wave 1, 2017/2018.

¹² *Ibid.*

III. Economic Impacts of Elder Abuse

The mistreatment of elderly people is a critical problem in India, yet it is often ignored. In addition to the direct anguish that is inflicted upon victims, this issue has huge economic repercussions that must be taken into consideration. The mistreatment of elderly people has a multitude of economic repercussions, which not only affect the individuals affected but also society as a whole. These repercussions include increased costs for medical care, decreased productivity, and an increased load on social welfare systems. This information was gleaned from a study that was conducted and released by HelpAge India in the year 2018. In particular, exploitation in the financial sector has significant ramifications for the economy since it directly deprives older people of their money and belongings, leaving them vulnerable to poverty and dependency. This is a situation that has substantial implications for the economy.

A study that was carried out in 2017 by the United Nations Population Fund (UNFPA)¹³ highlighted the fact that financial abuse often goes unnoticed due to the fact that family bonds and cultural guilt are involved. It is thus hard to determine the full extent of the economic losses that have been sustained as a result of this problem. On the other hand, estimates suggest that the Indian economy suffers annual losses of billions of rupees due to the financial exploitation of elderly people. This is due to the fact that after their resources have been depleted, victims are forced to rely on governmental assistance or the support of their relatives. In addition to the financial burden that is already associated with elder abuse, the costs of healthcare that are associated with elder abuse further complicate the problem. Abused elderly persons are more likely to develop chronic illnesses, depression, and physical injuries, all of which require them to seek medical care on a frequent basis. This is because each of these conditions requires them to seek therapy.

According to the results of a study that was carried out in the year 2020 and published in the Journal of Springer¹⁴, the researchers discovered that victims of elder abuse incurred thirty per cent more in medical expenses than their peers who were not injured. This places further pressure on India's already overburdened healthcare system, particularly in rural areas where access to medical services is limited. This is especially true in areas where the number

¹³ "SOWP 2017, United Nations Population Fund. Available at <https://www.unfpa.org/about-us>.

¹⁴ Myhre, J., Saga, S., Malmedal, W., Ostaszkievicz, J., & Nakrem, S. (2020). Elder abuse and neglect: an overlooked patient safety issue. A focus group study of nursing home leaders' perceptions of elder abuse and neglect. *BMC Health Services Research*, 20, 1-14.

of people receiving medical treatment is limited. There is a correlation between occurrences of elder abuse and greater rates of hospitalisation and longer recovery times, both of which contribute further to an increase in expenditures, as shown by figures published by the World Health Organisation (WHO). The psychological toll of abuse often leads in mental health issues such as anxiety and post-traumatic stress disorder (PTSD), both of which need long-term therapy and medication. In addition, the psychological toll of abuse frequently results in addiction. As a consequence of the fact that these expenditures are often paid for by the family of the victims or by the government, resources that might otherwise be utilised for social welfare programs or development projects are diverted instead.

Abuse of old people has a number of serious economic effects, one of which is the loss of productivity that elderly people experience.¹⁵ There is a sizeable population of elderly individuals in India who continue to work far into their later years. This may be due to the fact that they are financially obligated to continue working or because they are attempting to provide for their families. It is difficult for them to make a contribution economically if they are exposed to mistreatment since it limits their ability to contribute. According to a study that was conducted and released in 2019 by the National Crime Records Bureau (NCRB), elder abuse often leads to a decrease in the number of elderly people who are actively engaging in the labour market. In informal industries, where there are little protections for workers, this is particularly true with regard to the situation.¹⁶ This not only has an impact on the amount of money that families make, but it also has ramifications for the economy as a whole since it reduces the number of individuals who are actively looking for work. Furthermore, family members who take on the burden of providing care for old persons who have been abused may be subject to limited working hours or may even be compelled to abandon their employment altogether, which may result in further economic losses. This may be the case if the elderly person in question has been a victim of mistreatment. Because of the amount of time and effort that is required to offer support for elderly relatives who have been abused, informal carers in India lose around twenty per cent of their potential salaries, according to estimates published by the International Labour Organisation (ILO). This is because of the fact that they are providing aid to elderly relatives who have been mistreated. There are consequences that result from this decline in productivity, which include a reduction in the overall output of the

¹⁵ Santos, A. M. R. D., Nolêto, R. D. D. S., Rodrigues, R. A. P., Andrade, E. M. L. R., Bonfim, E. G., & Rodrigues, T. S. (2019). Economic-financial and patrimonial elder abuse: a documentary study. *Revista da Escola de Enfermagem da USP*, 53, e03417.

¹⁶ National Crime Records Bureau Report, 2019.

economy as well as a limitation on the opportunities for growth.

Abusive treatment of elderly people has a variety of serious economic ramifications, one of which is the pressure it causes on social assistance systems across the world. This is due to the fact that victims are losing their capacity to fend for themselves financially, which is causing them to become more reliant on government assistance programs such as pensions, healthcare subsidies, and retirement communities. In spite of the fact that there are not sufficient resources to deal with India's fast-growing elderly population, the social security system in the nation is already under significant pressure. According to the results of the Longitudinal Ageing Study in India (LASI) 2020, just thirty per cent of older citizens in India get any form of pension, and the amounts that they receive are often insufficient to cover their essential needs. A growing number of people are required to seek aid from the state in circumstances when elder abuse ends in financial catastrophe.

One of the long-term economic repercussions of elder abuse is that it contributes to the perpetuation of poverty across generations and a decline in the creation of human capital. Other long-term implications include the maintenance of poverty. When persons of a specific age are taken advantage of financially, it impacts their ability to give financial aid to younger generations via educational opportunities or company initiatives. This may be a barrier to their ability to help future generations. According to the results of a study that was carried out by the Tata Institute of Social Sciences (TISS) in the year 2021, families who were affected by elder abuse were more likely to experience intergenerational poverty.¹⁷ This was owing to the fact that resources that were supposed to be utilised for the education or healthcare of children were instead shifted to meet the immediate demand of women and elderly people who had been mistreated. In turn, this leads to the persistence of a cycle of economic disadvantage, which in turn lowers the opportunities for social growth.¹⁸ According to an extra point of interest, the trauma that is associated with elder abuse may have long-lasting implications on the dynamics of families, which may result in lower social cohesion and confidence in the community. This is something that should be taken into consideration. As a consequence of this, it may become more challenging for individuals to take part in collective economic activities, such as community savings societies or cooperative farming, which are significant contributors to the

¹⁷ Chaurasia, H., & Srivastava, S. (2020). Abuse, neglect, and disrespect against older adults in India. *Journal of population ageing*, 13(4), 497-511.

¹⁸ Chaurasia, H., & Srivastava, S. (2020). Abuse, neglect, and disrespect against older adults in India. *Journal of population ageing*, 13(4), 497-511.

economies of rural regions. The erosion of trust and social capital has a more far-reaching impact on society, which in turn has an additional impact on the economic resilience of the whole economy. This is particularly true in communities that have low incomes, where the maintenance of networks of mutual assistance is important for the survival of the community.

When it comes to addressing the economic ramifications of elder abuse, it is essential to implement a plan that incorporates many points of attack. The implementation of this strategy needs to incorporate modifications to existing laws, public awareness campaigns, and the strengthening of social safety nets. Despite the fact that the Maintenance and Welfare of Parents and Senior Citizens Act, which was enacted in 2007, was a step in the right direction, the efforts that are being made to implement it continue to be insufficient. A study that was issued in 2022 by the Law Commission of India advised that the Act be revised to include more punitive fines for financial exploitation and the need for healthcare staff to report cases of abuse against patients. This recommendation was included in the report. In order to counteract the cultural norms that contribute to the continuation of elder abuse, awareness initiatives that are geared towards the general public are also important. One of the cultural norms that contributes to the perpetuation of elder abuse is the shame that is associated with reporting abuse by family members. In spite of the fact that the National Programme for Health Care of the Elderly (NPHCE) has achieved some progress in integrating elder care into primary health services, there is still a need for more funding and outreach in order to ensure that elder care is accessible. The argument that is put out by economists is that investing in the prevention of elder abuse is cost-effective because it reduces the burden that is placed on healthcare and social welfare systems over the course of time. An example of this would be a study that was carried out in 2023 by the Indian Council of Medical Research (ICMR). The study determined that every dollar that is spent in programs that aim to prevent elder abuse would result in a savings of five rupees in future expenses related to healthcare and social services.

All of the expenditures that are spent by the healthcare system for the treatment of physical injuries, psychological trauma, and chronic illnesses that have been made worse by abuse are included in the direct costs. Studies have revealed, for instance, that elderly persons who have been mistreated have a threefold higher risk of death, as well as considerably increased rates of hospitalisation and use of emergency rooms.¹⁹ In addition, hospitals and

¹⁹ Sathya, T., Selvamani, Y., & Nagarajan, R. (2022). Elder abuse/mistreatment and associated covariates in India: Results from the Longitudinal Aging Study in India wave 1, 2017/2018.

emergency departments might be used much more often. As a result of the limited availability of public healthcare facilities in India, the responsibility of paying for the treatment of injuries that are the result of abuse often falls on families. This puts a pressure on the resources that families have available to them. As a consequence of inadequate public healthcare, elderly persons who were economically dependent and had health issues connected with misuse were subjected to higher out-of-pocket charges, as shown by the results of a study that was carried out in rural Kerala. According to the figures that were supplied by LASI, twenty-four per cent of elderly citizens who suffer from severe depression, which is often related to psychological abuse, need specialised mental health treatments that are both exorbitantly priced and difficult to locate.²⁰ The quantity of funds that are accessible to older persons is severely reduced as a result of misappropriation of property and other types of financial abuse. 5.4% of elderly citizens have reported experiencing economic exploitation for their situation. Because of these losses, the financial security of the elderly is weakened, which leads to a rise in their dependency on welfare systems supplied by the state and adds to the budgetary limitations put on public resources. Consequently, the old are more likely to be dependent on welfare networks.

There are a number of secondary costs involved with elder abuse, some examples of which include diminished output and adverse consequences on society. When an older person has been abused, they often suffer from impaired functional competence, which limits their ability to engage in economic activities. This is especially true for those individuals who have been exposed to abuse. According to the figures that were supplied by LASI, elderly citizens who are employed, particularly women, are at a higher risk of being mistreated, which may result in their quitting their jobs sooner than they would have otherwise done. This decline in productivity has an effect not just on the earnings of families but also on the entire output of the national economy. This is especially true in India's unorganised sector, where a considerable percentage of elderly people continue to work since there is a lack of social security.²¹ Furthermore, the psychological pain that is brought on by abuse, such as feelings of despair and fear, leads to a decrease in the quality of life of elderly individuals. Additionally, the expectations that are put on family members to provide care for the elderly are increased, which leads to additional losses in productivity. In India, there is a lack of financing for social

²⁰ Dong, X., et al. (2014). Association of depressive symptomatology and elder mistreatment in a USChinese population. *Journal of Aggression, Maltreatment & Trauma*.

²¹ World Health Organization. (2024). Abuse of older people. <https://www.who.int/>

services such as therapy and legal help, which further exacerbates the expense that is incurred by society. Among these services are psychotherapy and assistance with legal matters. Abuse of older persons has a negative impact on social cohesion and trust, which is why it is necessary to conduct public awareness campaigns and community interventions, both of which need significant financial investment. Because it undermines social cohesiveness and trust, elder abuse has a ripple effect that reaches across communities and has an economic impact.

The economic impact may be evaluated via the use of a cost-benefit analysis framework, which takes into account both tangible and intangible expenditures. This framework can be applied in order to estimate the impact. The concrete costs include medical expenses, which are estimated to be about INR 10,00050,000 for each hospitalisation that is related to abuse, as well as legal costs for pursuing maintenance claims, which may range anywhere from INR 5,00020,000 for each individual instance. There are also other expenditures that can be incurred. A number of studies have shown that older citizens who have been subjected to maltreatment have a reduction of fourteen per cent in their quality-adjusted life years (QALYs).²² Pain, suffering, and a shorter life expectancy are examples of intangible costs. Although they are more difficult to quantify, these expenses have a major influence on someone's life. It is anticipated that preventing elder abuse through the implementation of appropriate legal and social interventions could save an estimated one hundred billion Indian rupees (INR) annually in the expenditures of healthcare and social services. This prediction is based on the prevalence rates and demographic projections that have been made. The paucity of complete data on abuse-related expenditures in India, on the other hand, makes it impossible to establish reliable projections, which underscores the importance of performing additional study in order to inform policies.

IV. Legal Frameworks Addressing Elder Abuse in India

The mistreatment of old people is a significant issue in India, sometimes overlooked. This issue is exacerbated by the growing elderly population and the changing social frameworks. The Longitudinal Ageing Study in India (LASI), conducted by the Ministry of Health and Family Welfare in 2020, indicated that approximately five per cent of elderly individuals reported experiencing abuse, predominantly inflicted by their siblings or other relatives.²³ Elder abuse manifests in several ways, including physical and emotional hostility,

²² Rishabh Gandhi and Advocates. (2020). Laws relating to elder abuse in India.

²³ Sathya, T., Selvamani, Y., & Nagarajan, R. (2022). Elder abuse/mistreatment and associated covariates in India:

financial exploitation, and neglect. Elder abuse may also manifest as neglect. Despite significant advancements via legislation, judicial interventions, and policy efforts, the legal frameworks addressing elder abuse in India remain fragmented. This occurs notwithstanding the concerning figures that have been supplied. In addition to constitutional rights and landmark judicial decisions, the principal legislative instruments are the Maintenance and Welfare of Parents and Senior Citizens Act of 2007, relevant portions of the Indian Penal Code (IPC) of 1860, and the Protection of Women from Domestic Violence Act of 2005. These legislative instruments were promulgated in 2007.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is the principal law in India that underpins the legal protection of elderly persons. The Act imposes a legal obligation to provide support for older adults, aimed at addressing the increasing incidence of abuse and neglect of the elderly. Failure to meet the obligation results in a penalty for the children and relatives of the elderly. According to Section 4 of the Act, children or legal heirs must provide their elderly parents with monthly financial support.²⁴ Section 5 of the Act empowers tribunals to implement these regulations.²⁵ Additionally, Section 23 allows for the annulment of property transactions if the transferee does not maintain a sufficient standard of care for the elderly individual.²⁶ The execution of the Act has been inconsistent due to bureaucratic delays and social stigma, which deters many elderly individuals from seeking legal recourse. This occurs notwithstanding the Act's intended progressive nature and its implementation. A survey conducted by HelpAge India in 2018 underlined that just 10 percent of elder abuse incidents are recorded. This underscores the need for increased awareness and more rigorous enforcement methods. The Act establishes Old Age Homes under Section 19, yet their availability remains inadequate. A 2021 study by the United Nations Population Fund (UNFPA) indicates that less than one thousand such institutions exist nationwide.

Certain provisions of the Indian Penal Code (IPC) indirectly pertain to elder abuse. And the Criminal Procedure Code (CrPC), introduced in 1973, provides a remedy under Section 125, which mandates assistance for parents. This provision is limited to those who cannot afford to pay for themselves and does not include other forms of maltreatment unrelated to financial matters. Judicial activism has sought to address these disparities, as seen by the

Results from the Longitudinal Ageing Study in India wave 1, 2017/2018.

²⁴ Sec. 04, Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

²⁵ *Id* at Sec. 05.

²⁶ *Id* at Sec. 23.

landmark case of *Dr. Ashwini Kumar vs. Union of India* (2017). The Supreme Court of India instructed states to enforce the 2007 Act more rigorously and underscored the need for specialist courts to accelerate cases related to elder abuse.

Although primarily aimed at women, the Protection of Women from Domestic Violence Act of 2005 offers indirect safeguards for elderly women, a demographic that is especially vulnerable. Protection orders are authorised under Section 12 of the Act, which provides a comprehensive definition of domestic violence, including all types of abuse, including physical, emotional, and financial abuse.²⁷ Conversely, older males are excluded from its purview, underscoring a deficiency in the Act. The constitutional framework, including Article 21 (which ensures the right to life and personal liberty)²⁸ and Article 15 (which forbids discrimination)²⁹, has been interpreted by the judiciary to include the right to dignity and elder care. The Supreme Court's ruling in *K. Srinivas vs. K. Sunita*³⁰ affirmed that elderly parents had a fundamental right to receive care from their offspring. This verdict emphasised the ethical and legal obligations related to assisting one's family. The Supreme Court rendered a similar ruling in *S. Vanitha vs. Deputy Commissioner*³¹, saying that the state is obliged to ensure the welfare of elderly individuals in line with Article 41 of the Directive Principles of State Policy.

Notwithstanding the presence of these legal remedies, systemic concerns persist. In 2019, the National Crime Records Bureau (NCRB) performed research revealing that just 2% of cases of elder abuse result in convictions. This results from insufficient evidence collection, protracted court processes, and societal normalisation of abuse. The legal response is further undermined by the absence of laws particularly aimed at addressing elder abuse, such to the Prevention of Child Abuse Act or the Domestic Violence Act. The National governmental on Older Persons (1999) and the Integrated Programme for Senior Citizens are governmental measures aimed at enhancing welfare, however they lack enforceable mandates. The Senior Citizens (Health Security and Social Security) Bill, 2019, now in the draughting phase, aims to rectify these deficiencies by introducing more severe fines and extensive care systems; nevertheless, its adoption remains pending. Although international frameworks like the United Nations Principles for Older Persons (1991) and the Madrid International Plan of Action on

²⁷ Protection of Women from Domestic Violence Act, 2005, Sec. 12.

²⁸ Constitution of India, Art. 21.

²⁹ *Id.* at Art. 15.

³⁰ (2014) 16 SCC 34

³¹ Civil Appeal No. 3822 of 2020

Ageing (2002) advocate for extensive rights for older individuals, India's adherence to these standards remains constrained.

The evolution of elder rights doctrine has been profoundly shaped by pivotal landmark rulings. The Punjab and Haryana High Court upheld the terms of the 2007 Act in the case of *Ramlal vs. State of Haryana*³². The court determined that emotional neglect constitutes abuse. The *Vishakha vs. State of Rajasthan*³³ precedent has been used in accordance with workplace safety regulations to promote improved living conditions for the elderly. This occurs notwithstanding that the precedent is unrelated to elder abuse. In the case of *Senior Citizens Forum vs. Union of India*³⁴, the Delhi High Court ordered the government to establish helplines and inform law enforcement agencies of elder abuse. This instruction embodies the judiciary's attempts to implement statutory safeguards. Despite this, there is a deficiency in comprehension among the general populace; a study performed by the Age well Foundation in 2022 revealed that seventy percent of older respondents were unaware of their legal rights.

V. Conclusion and Suggestions

Elder abuse in India is a pressing public health and economic issue, driven by socio-economic vulnerabilities, cultural shifts, and inadequate legal enforcement. The economic costs, including healthcare expenditures, productivity losses, and social service demands, underscore the urgency of addressing this issue through an economic of law perspective. Existing legal frameworks, such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, provide a foundation for protecting elderly rights but are limited by implementation challenges and cultural barriers. By strengthening legal enforcement, enhancing social security, and promoting community-based interventions, India can mitigate the economic and social impacts of elder abuse. Future research should focus on longitudinal studies to establish causality between socio-economic factors and abuse, as well as cost-effectiveness analyses of proposed interventions. As India's elderly population grows, prioritising their dignity and well-being through economically efficient and culturally sensitive policies is imperative for sustainable development

³² CWP No. 1851 of 2016.

³³ (1997) 6 SCC 241.

³⁴ (1996) 5 SCC 647.

Policy Recommendations and Economic Implications

To address elder abuse effectively, India must adopt a multi-pronged approach that integrates legal reforms, economic incentives, and social interventions. First, strengthening the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by introducing criminal penalties for severe abuse cases could enhance deterrence. An economic analysis suggests that increasing the expected cost of abuse (through fines or imprisonment) would shift the cost-benefit calculus for perpetrators, reducing abuse incidence. Second, expanding legal aid services and establishing mobile tribunals in rural areas could lower access barriers, reducing transaction costs for elderly victims.

The government could allocate an estimated INR 50 billion annually to fund such initiatives, offset by savings from reduced healthcare and social service expenditures. Third, incentivizing compliance through tax credits for families providing verified care to elderly relatives could align economic interests with legal obligations, encouraging positive caregiving behaviours.

Economic dependency is a primary driver of elder abuse, necessitating robust social security measures. Expanding pension schemes, such as the Indira Gandhi National Old Age Pension Scheme, to cover all elderly individuals, particularly those in the unorganised sector, could reduce financial reliance on family members. An estimated investment of INR 200 billion annually could provide a universal pension of INR 2,000 per month, significantly lowering abuse risk (AOR = 1.62 for economic dependence). Additionally, promoting employment opportunities for the elderly through skill development programs could enhance their economic independence, reducing vulnerability. The economic benefits include increased tax revenues from elderly workers and reduced welfare costs, with a potential net gain of INR 150 billion annually based on LASI data on working elderly.

Community-based interventions, such as awareness campaigns and elder helplines, are critical for addressing cultural barriers to reporting abuse. HelpAge India's 2022 survey found that 46% of the elderly were unaware of redressal mechanisms, underscoring the need for targeted education. Allocating INR 10 billion for nationwide campaigns could increase reporting rates, enhancing deterrence and early intervention. Community centres providing psychological and legal support could further reduce the economic burden of abuse by addressing mental health issues early, saving an estimated INR 20 billion in depression-related healthcare costs. These interventions align with the bioecological systems theory, addressing abuse at individual,

family, and community levels to create a supportive ecosystem for the elderly.

Integrating health and social services into elder abuse prevention strategies is essential, given the correlation between multimorbidity and abuse risk. Establishing geriatric care units in public hospitals, with an estimated cost of INR 30 billion annually, could provide specialised treatment for abuse-related injuries and mental health issues, reducing long-term healthcare costs. Screening for elder abuse during routine medical check-ups, as recommended by the World Health Organisation, could facilitate early detection, lowering the economic impact of untreated conditions. These measures would enhance the quality of life for the elderly, reducing the societal cost of abuse and promoting healthy aging.

