

Unspoken Problems of Elderly People: A Legal Perspective

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Abstract:

The problems of elders often remain unsaid and undiscussed. This may be due to a number of reasons. Sometimes, there is no one to understand them, not even their own children. The other reasons may be countless. They suffer due to loneliness in their old age. Sometimes, due to a lack of money, they are unable to get the attention and respect of their loved ones in the last stage of life, which they need the most. The reason is that in old age, love, care, and respect are the most needed necessities of life rather than the material things. This is often misunderstood by the youngsters. They think that if they are giving money as well as the basic facilities of life, they have played their role well as children. But the truth remains unspoken and unshared by the elders, as it is never asked and never discussed by the youngsters. What actually makes life beautiful in old age is love and care, which money can't buy and if anyone hear the elders quietly and patiently, with love in their eyes, believe it, you can win their heart.

Introduction:

Aging is a natural and universal phenomenon, yet societies across the globe continue to struggle with ensuring dignity, autonomy, and protection for their elderly populations. As individuals cross the threshold into old age, they often face a cascade of challenges, some of these are visible and openly discussed, and others far more subtle, unacknowledged, and unspoken. These unspoken problems like emotional neglect, legal invisibility, financial exploitation, and social exclusion are quietly endured by many elderly individuals, especially in environments where legal literacy is low and family structures are changing rapidly.

According to the United Nations, the global population aged 60 and over is projected to more than double by 2050, reaching nearly 1.5 billion.¹ In India alone, over 140 million people are above the age of 60, and this number is expected to rise significantly in the coming decades. While such demographic shifts highlight the success of medical and public health advances, they also present complex socio-legal challenges. Despite the numerical growth of this segment, elderly people often find themselves increasingly marginalized, not just socially and economically, but also within the very legal systems designed to protect them.

The idea that older adults are less visible in legal discourse is not just a theoretical observation; it is a lived reality for millions. In many jurisdictions, elder-specific legal protections are limited, poorly enforced, or simply misunderstood. Many elderly individuals are unaware of their legal rights or find the legal process too intimidating or inaccessible to engage with. Their challenges are further complicated

¹ "Ageing and health" WHO Oct. (2024) available at: <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health#:~:text=At%20this%20time%20the%20share,2050%20to%20reach%20426%20million.>

by emotional dependence on caregivers, physical fragility, and social stigma, all of which can contribute to a culture of silence and acceptance of mistreatment or injustice. Several nations, including India, have enacted laws like the Maintenance and Welfare of Parents and Senior Citizens Act (2007), however, the effectiveness of such laws is often hindered by lack of awareness, administrative bottlenecks, and poor implementation.

Legal Recognition of Rights of Senior Citizen:

Legal recognition is the cornerstone of any framework that seeks to ensure protection, justice, and dignity for vulnerable populations. For the elderly, legal recognition signifies more than codified rights, it symbolizes societal acknowledgment of their unique evolving needs. While several international and national legal instruments acknowledge elder rights, their impact is often muted due to weak enforceability, low awareness, and systemic neglect.

- **International legal framework:**

On the international front, the most prominent legal guidance for the protection of elderly rights is encapsulated in the **United Nations Principles for Older Persons (1991)**. These principles outline five core areas: **independence, participation, care, self-fulfillment, and dignity**. Although non-binding, these guidelines have served as moral and policy benchmarks for member nations, urging them to align their national laws to uphold elder welfare.

In addition, the **Madrid International Plan of Action on ageing (2002)** calls for the integration of older people into development agendas and emphasizes the need to eliminate age-based discrimination. However, neither the Madrid Plan nor the UN Principles have been formalized into a binding international convention akin to the **Convention on the Rights of the Child** or the **Convention on the Rights of Persons with Disabilities**.

This lack of binding international legal obligations results in an inconsistent global approach to elder rights. Countries are not legally compelled to adopt uniform standards, leading to disparities in recognition, protection, and access to justice for older adults worldwide. The demand for a **UN Convention on the Rights of Older Persons** is growing but remains unrealized, leaving elder protection largely dependent on the will and capacity of national governments.

- **National legal framework:**

Maintenance and Welfare of Parents and Senior Citizens Act, 2007: India's landmark legislation aims to address familial neglect and economic insecurity among the elderly. Key features include:

- **Right to maintenance:** Adult children and heirs are legally obligated to provide for the elderly.
- **Tribunals for maintenance:** Quasi-judicial tribunals are empowered to adjudicate maintenance claims.
- **State responsibility:** The law calls upon state governments to establish old age homes and improve healthcare access for seniors.

Despite its progressive framework, the Act's implementation has faced numerous challenges. Many elderly individuals are unaware of their rights under this law. Further, approaching tribunals is often intimidating or practically difficult, especially for those with mobility issues or without legal aid. Enforcement mechanisms are weak, and there is no clear accountability system for state governments failing to implement the provisions effectively. In light of the persistent neglect towards senior citizens and weak implementation of the act, recently a **legal representation** has been submitted by Kanwar Pahul Singh Advocate, to concerned authorities across **Punjab, Haryana, and the Union Territory of**

Chandigarh to seek immediate and concrete action to ensure the effective implementation of the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007**. Citing disturbing reports from old age homes and the lack of infrastructure, medical support, and legal awareness, the representation urges officials to take immediate action in these elderly's neglect cases, to establish mandated old age homes, to ensure dedicated healthcare facilities for the aged, and also to widely publicize the legal rights of senior citizens. This initiative reflects not only a legal necessity but a moral and social imperative to uphold the dignity and well-being of our elderly population.²

Moreover, the Act does not comprehensively address emotional abuse, property disputes, medical negligence, or elder care regulations, thereby leaving significant gaps in protection. In the case titled as *Dr. Ashwani Kumar v. Union of India* (2018)³, The Supreme Court ruled that Article 21's guarantee of the "right to live with dignity" includes adequate pension, healthcare, shelter, and an effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWP Act). The Court directed the government to map old age homes, revisit pension schemes, and enhance eldercare infrastructure.

Psychological and Social Challenges: The Hidden Inner Life of the Elderly:

The legal system can define rights, punish wrongs, and allocate resources. But it cannot easily legislate dignity, purpose, companionship, or love, the elements that shape the inner lives of older people. While much attention is given to the physical and financial needs of senior citizens, their emotional and psychological realities are often dismissed, misunderstood, or entirely overlooked. This silence around the inner struggles of the elderly creates a parallel, unspoken crisis, the one that is harder to detect, harder to quantify, and yet deeply urgent.

As people age, they do not cease to be emotionally complex or psychologically vulnerable. They carry with them a lifetime of experiences, losses, aspirations, and regrets. What changes is the societal gaze: the elderly are often no longer seen as evolving human beings but as static figures of the past, useful once, respected perhaps, but now invisible. Their internal world, full of nuanced emotional terrain, is rarely explored or validated.

There are several difficulties, which are faced by older people psychologically. These challenges are silently tackled by them, without any outward complaint or visible distress. Despite, all the hardships, older individuals often refrain from expressing the pain. The silent endurance often goes unnoticed, which points towards the greater need of empathy from the society.

² REF NO. PWS/1013/2025.

³ AIR 2018 SC (SUPP) 2541.



Neglect and Abandonment:

Neglect and abandonment of the elderly represents some of the most painful, yet least acknowledged violations of human dignity. Unlike overt abuse, which may leave visible marks or provoke outrage, neglect is often subtle, chronic, and hidden. As families shrink, inter-generational bonds weaken, and care giving becomes outsourced, the elderly are increasingly left without meaningful emotional, medical, or physical support. Although many legal systems have provisions that theoretically protect seniors against such treatment, practical enforcement is often nonexistent or ineffective. Neglect of older adults can take many forms, some of which are easily misunderstood or dismissed as a consequence of aging rather than an abuse of rights.

Medical Neglect

This includes the failure to, provide necessary medical treatment or medication, and take elderly persons to hospitals or clinics. To ensure proper follow-up for chronic conditions and assist with health insurance claims or documentation

Medical neglect is especially dangerous for dependent seniors who cannot access healthcare on their own. Many suffer in silence due to fear of family backlash or because they are unaware that such neglect is a form of abuse.

Emotional Neglect

Emotional neglect often involves, social isolation (being left alone for extended periods), verbal indifference or humiliation, ignoring the elderly person's opinions, needs, or pain and failing to include them in family events or conversations. Unlike physical or financial abuse, emotional neglect is rarely reported. It is also hard to establish legally, despite its long-term psychological toll which is depression, anxiety, loss of will to live, and cognitive decline.

Physical Neglect

Physical neglect manifests when the elderly's are denied-adequate food and water, clean and hygienic living environments, assistance with bathing, dressing, or using the toilet and mobility aids like walkers or wheelchairs. Many older people, especially those living with disabilities, are left in degrading conditions simply because caregivers lack compassion, patience, or awareness.

Role of Legal Aid and Elder Helplines

Legal aid and elder-oriented helplines have emerged as crucial tools in addressing neglect and abandonment. However, their reach and impact vary widely across the regions. Under the Legal Services Authorities Act, 1987, older adults are entitled to free legal aid. The State Legal Service Authorities of some states run mobile legal clinics or organize awareness camps for senior citizens. India's Elder Line 14567, a national toll-free number, has been a significant step forward. It provides, emergency support, legal assistance, counseling and referrals. However, the elderly's are often unaware of those rights or cannot physically reach to the aid centres. A lack of digital literacy further hampers access to online legal aid platforms.

Gaps in Elder Protection: From Courtrooms to Cyberspace:

Gaps in legal protection for the elderly:

Despite a growing body of elder-centric legislation, serious substantive and procedural gaps remain:

- Emotional and psychological abuse is rarely addressed in elder laws, despite being a common and damaging form of mistreatment.
- Property and inheritance disputes involving coercion or deceit are inadequately covered, especially when older persons lack documentary evidence.
- Right to die with dignity including assisted living, euthanasia, or advance directives—remains a grey area in many legal systems.
- Intersectional issues, such as the compounded vulnerabilities faced by elderly women, LGBTQ+ elders, or disabled seniors, are largely ignored in existing laws.
- There is often no single-window legal system for elder grievances, forcing elderly people to navigate fragmented bureaucracies.

Digital Exclusion and Legal Rights in a Digital Society:

The rapid digitization of public services, financial transactions, healthcare, and communication has redefined access to essential rights in the 21st century. While this transformation has made systems more efficient, it has also left behind one of the most vulnerable groups in society, the elderly. Digital exclusion, characterized by limited access, low digital literacy, and technology-induced marginalization, presents a significant barrier to the realization of elderly people's rights.

Globally, a substantial portion of the elderly population remains digitally illiterate or only marginally competent with digital technologies. According to the International Telecommunication Union (ITU), older adults are among the least likely age groups to use the internet or smartphones regularly. In countries like India, where digital governance is rising and in-person services are rapidly shrinking, this disconnect is alarming.

Older adults are particularly vulnerable to online scams and cybercrime. With limited technological proficiency and a tendency to trust authoritative-sounding communications, they are frequent targets of: Phishing attacks, Identity theft, Investment frauds and crypto scams, tech support scams.

In India, the elderly have increasingly been victims of UPI frauds, KYC update scams, and fake government scheme offers. Many such cases go unreported due to embarrassment, fear of appearing incompetent, or unfamiliarity with the reporting process.

In addition to this, As governments digitize everything from land records to health records, exclusion from digital platforms has become equivalent to exclusion from essential public services. Examples include, online-only pension verification, Aadhaar-based e-KYC, which many elderly individuals

struggle to complete, Telemedicine platforms that require smartphones, apps, and OTPs, Vaccination or health insurance portals (e.g., CoWIN in India) that assume smartphone and English literacy

Legal frameworks must adapt urgently, not only by criminalizing elder-targeted cybercrimes but by actively building inclusive digital ecosystems. Digital rights for the elderly must be recognized as an extension of fundamental rights, and accessibility must be enshrined in law, not left to discretionary policies.

Conclusion and Suggestions:

The problems faced by the elderly are not only legal or economic, they are deeply human. While laws such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, offer a framework for protection, they fall short in addressing the invisible struggles of old age like, emotional neglect, digital alienation, and slow erosion of dignity. The silence that surrounds these issues is not due to the absence of suffering, but rather the absence of platforms that recognize and validate such suffering.

Legal systems can mandate maintenance, punish abandonment, but they cannot legislate empathy, companionship, or familial warmth. Therefore, while stronger laws, better implementation, and greater awareness are essential, they must be supported by a parallel cultural shift, the one that sees the elderly not as a burden or passive recipients of care, but as individuals with agency, experience, and emotional depth. To ensure genuine protection of elderly rights, legislative intent must be matched by strong enforcement mechanisms. The **Maintenance and Welfare of Parents and Senior Citizens Act, 2007** should be implemented uniformly across all states with **time-bound grievance redressal**, simplified complaint procedures, and **single-window service centers** dedicated to elder welfare. Awareness campaigns, both offline and digital, must be undertaken to inform senior citizens of their rights, available schemes, and legal remedies. Training police officers, revenue officials, and judicial officers in elder-sensitive procedures can improve case handling and reduce secondary victimization. Aging is not a decline into irrelevance; it is a phase of life that deserves respect, security, and inclusion. As we move towards an increasingly aging society, the rights and needs of the elderly must no longer remain unspoken. They must be heard in courtrooms, in policy debates, and most importantly, in the hearts of families and communities. It is only when society and the legal system work hand in hand that we can ensure a dignified and meaningful life for every older adult.