

Effectiveness of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in the Context of Kerala

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Abstract: To protect the well-being and dignity of senior citizens while ensuring their social security, the Government of India introduced the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*. The legislation provides a legal framework aimed at ensuring financial support, healthcare access, and property protection for the elderly. By analyzing demographic trends, legal structures, and field reports, the research investigates the increasing prevalence of old age homes, evaluates government welfare initiatives, and explores the socio-economic challenges faced by senior citizens, with particular focus on elderly women. Special attention is given to the role of institutional support systems, the Kerala Social Justice Department, and the operational effectiveness of Maintenance Tribunals. The findings highlight significant gaps in enforcement, limited public awareness, and a pressing need for comprehensive reform to address these issues effectively.

Key words: Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Old Age Homes, Senior Citizens, Social Security

INTRODUCTION

Honouring and respecting elders, showing deep reverence, and seeking their blessings before undertaking important actions are all expressions of the high regard Indians traditionally hold for their elders. This is a distinctive aspect of Indian culture. However, due to the influence of globalization, cultural collapse and fast paced nature of modern life, elders, particularly senior citizens, are facing significant challenges and abuse in today's society. Their poor health and financial difficulties often result in neglect by their children and legal heirs, which in turn negatively impacts their mental well-being and undermines their dignity.

To safeguard the well-being and dignity of senior citizens and to ensure their social security, the Government of India enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

This legislation provides a legal framework aimed at securing financial stability, healthcare access, and property protection for the elderly. India is also a signatory to the Madrid International Plan of Action on Ageing (MIPAA), 2002, a global agreement adopted by the United Nations General Assembly to improve the lives of older people by guiding governments and policymakers. Additionally, Article 41 of the Indian Constitution, under the Directive Principles of State Policy, mandates that “*the State shall, within the limits of its economic capacity and development, make effective provision for securing right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, and in other cases of undeserved want*”. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is aligned with the vision of Article 41 and serves as a crucial tool to protect senior citizens from neglect, abandonment, and abuse.

Objectives of the study

1. To evaluate the extent of implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in the state of Kerala.
2. To examine the role of Kerala's Social Justice Department in protecting and supporting the elderly population.
3. To study the reasons behind the increase in old age homes and the related challenges, especially in Ernakulam district.

Significance of the Study

This study is significant as it addresses the challenges associated with Kerala's ageing population, which represents the highest proportion in India. The present study critically examines the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, identifying shortcomings in legal enforcement, public awareness, and the provision of essential services. The proliferation of old age homes—particularly in Ernakulam district—

alongside the presence of unregulated institutions, underscores the urgent need for policy intervention.

METHODOLOGY

The present study adopts a descriptive and analytical approach to evaluate the implementation and effectiveness of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in Kerala. The research is based on secondary data, sourced from government publications, census reports, legislative documents, academic literature, and policy evaluations—particularly those issued by the Kerala Social Justice Department, the Ministry of Social Justice and Empowerment, and the Department of Economics and Statistics.

Ernakulam district has been selected as the focal area for in-depth analysis, owing to its high concentration of old age homes and significant elderly population. This district-level focus facilitates a deeper understanding of the challenges and institutional responses associated with the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act

Demographic Profile and Socioeconomic Status of India's Elderly Population

According to the 2011 Population Census, India had nearly 104 million elderly persons (aged 60 years or above), comprising 53 million females and 51 million males. The Report of the Technical Group on Population Projections for India and States 2011-2036, there are nearly 138 million elderly persons in India in 2021(vikaspedia.in/). The India Ageing Report 2023 stated that, there were 149 million persons aged 60 years and above in 2022 making up approximately 10.5% of the country's population. The report predicts that India's elderly population will double to 20.8% by 2050 (livemint.com,2023). Alarmingly, over 40% of India's elderly are in the poorest wealth quintile, with about 18.7% of them living without income severely impacting their quality of life and access to healthcare (Lakshman, 2023). Additionally, the proportion of elderly women residing in others' homes is more than double that of elderly men, and the percentage of elderly women living alone, outside of old age homes, is also significantly higher compared to their male counterparts (vikaspedia.in/).

According to the Report of the Technical Group on Population Projections for India and States 2011-

2036, data from 21 major states reveal that Kerala has the highest proportion of elderly people in its population at 16.5%, followed by Tamil Nadu (13.6%), Himachal Pradesh (13.1%), Punjab (12.6%), and Andhra Pradesh (12.4%) (Vikaspedia.in). The life expectancy at birth during 2014-18 was 70.7 years for females and 68.2 years for males. Kerala leads in life expectancy at birth, with 72.5 years for males and 77.9 years for females, according to the SRS Report 2014-18. According to the Ministry of Social Justice and Empowerment Report 2021, in India there are NGO-run old age homes in which 16,290 destitute elderly are provided accommodation (<https://pib.gov.in/>). In 2022 there were 728 old age homes in India, and by the end of 2023 it is expected to be 1000 plus old age homes (<https://aayushkaliving.com/>).

Base on the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the government of Kerala formed Rules, in exercise the powers conferred by section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and it came into force by the G.O (P) No.38/2009/SWD dt.28.08.2009 called the 'Kerala Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (<https://sjd.kerala.gov.in/>). Chapter III of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provide a provision for the establishment of old age homes. Clause 1 of the chapter says that "The State Government may establish and maintain such number of old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent". With the increasing number of elderly people, the number old age homes in India is also increasing.

Role of the Kerala Social Justice Department in the Protection of Senior Citizens

The Kerala Social Justice Department plays a central role in safeguarding the rights, welfare, and dignity of senior citizens in the state, with responsibilities spanning legal enforcement, social care, health support, and awareness generation. It implements the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* through dedicated Maintenance Tribunals established at the district level and also facilitates the registration and monitoring of old age homes to ensure they comply with prescribed standards and operational protocols. In addition to the

Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Kerala Social Justice Department has introduced several welfare initiatives

and a legal framework for the protection and support of senior citizens.

Table 1. Welfare Initiatives

Initiative / Scheme	Description
Vayojana Helpline (14567)	Toll-free helpline offering support and guidance for senior citizens.
Vayoraksha Scheme	Focuses on implementing the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
Implementation of the Act (2007)	Legal framework enabling elderly to seek maintenance from children/legal heirs via tribunals.
Second Innings Home Project	Provides safe shelter and care for abandoned or homeless elderly.
Vayomadhuram Scheme	Free distribution of glucometers for diabetic senior citizens.
Vayomitram Scheme	Offers free health check-ups and home-based medical support.
Vayo Amritham Scheme	Likely focuses on wellness or nutrition support for elderly (details limited).
Mandahasam Scheme	Provides free/subsidized dental care and dentures for senior citizens.
Sayamprabha Home Scheme	Assisted living homes for homeless or abandoned elderly women.

Source: https://swd.kerala.gov.in/website_malayalam/institutions.php

Table 2. Policy and Legal Framework

Document	Purpose
State Policy for Senior Citizens (2013)	Aims at ensuring dignity, welfare, and active ageing for the elderly.
Maintenance and Welfare of Parents and Senior Citizens Act (2007)	Central legislation ensuring legal maintenance of senior citizens.
Kerala State Rules under the Act	Guidelines for local implementation, tribunals, and authorities' responsibilities.
Operational Protocols for Old Age Homes	Standards and procedures for running elderly care institutions.
Manual for Old Age Homes	Detailed guide on infrastructure, staffing, and services for care homes.

Source: https://swd.kerala.gov.in/website_malayalam/institutions.php

Kerala, out of the 28 states in India, has the highest number of old age homes, totalling 124 (Pandian, Naik, Ramachandran, Grace, & Gopalakrishnan). According to the UNDP-Planning Commission Report titled "Growing Old in Kerala," Ernakulam has the highest number of elderly residents in old age homes. Of all the elderly living in old age homes across the state, 23 percent are in Kochi. In these old-age homes, women outnumber men by more than 500. Across all 14 districts, except Alappuzha, Malappuram, and Wayanad, there are more elderly women than men in old-age homes. The report's section on "Elderly Living in Old-Age Homes" notes that it seems more elderly women than men are compelled to move into old-age homes in the state. (The New Indian Express, 2012).

Ernakulam, despite already having the highest number of old age homes in Kerala, sees many of these facilities operated by charitable or religious

organizations, with only a limited number formally registered and regulated by the government (Ecostat Kerala, 2018). Under the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, the government has established *Maintenance Tribunals* to ensure that elderly individuals can claim maintenance from their children or legal heirs. These tribunals are intended to provide a fast and accessible legal remedy for senior citizens facing neglect or financial insecurity. In Ernakulam, although these tribunals are functional, their effectiveness is hampered by several challenges. These include low public awareness about the right to seek maintenance, inconsistent quality and regulation of old age homes, delays in the enforcement of tribunal orders, and a general reluctance among the elderly to initiate legal action against family members (WCD Kerala, 2016). Though the district police and administration offer active support through senior citizen cells and community-level interventions, the social stigma

attached to reporting familial neglect further reduces the impact of such efforts.

Drivers Behind the Institutionalization of Elder Care in Kerala

Several studies have identified key socio-economic and demographic factors contributing to the rise of old age homes in Kerala, particularly in urban districts like Ernakulam. The shift from joint to nuclear families, coupled with increasing urbanization and migration—both internal and international—has left many elderly individuals without adequate support (Department of Economics and Statistics, 2019; The New Indian Express, 2010). Economic pressures, including the rise of dual-income households, further reduce the availability of informal caregivers. The feminization of aging, with a growing number of elderly women who are often widowed and economically dependent, has also contributed to increased demand for institutional care (Joseph, 2020). Additionally, the erosion of community-based support networks and the proactive involvement of NGOs and religious organizations in elder care have reinforced this trend (Onmanorama, 2018). These factors collectively reflect how broader socio-economic transformations are reshaping the landscape of elder care in Kerala, particularly in districts like Ernakulam.

Critical Assessment of the Implementation of the Maintenance and Welfare of Parents and Senior Citizens Act,

According to the Department of Economics and Statistics, Kerala, there are 16 government-run old age homes in the state, including facilities for dementia care and persons with disabilities. Additionally, approximately 630 old age homes are registered under the Orphanage Control Board (OCB), which operates under the Social Justice Department. These institutions are primarily managed by charitable organizations, religious bodies, and private entities (Mathew, 2025). While the state maintains a significant number of registered care homes, there is a notable presence of unregistered facilities. Reports indicate that there may be at least an additional 1,000 unregistered homes operating in Kerala. These unregistered homes often lack proper oversight, leading to concerns about the quality of care and potential exploitation of residents (Meethal, 2021). These findings indicate that many of these institutions were founded in

response to the growing elderly population well before the enactment of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*.

In Ernakulam district, the implementation of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* has led to the establishment of institutional mechanisms such as Maintenance Tribunals and Appellate Tribunals, intended to address the grievances and ensure the welfare of senior citizens (WCD Kerala, n.d.). A notable example illustrating the application of the Act is the case of *Antony Scaria vs. The District Collector*, wherein the appellant pursued maintenance entitlements under the statutory provisions. This case underscores both the potential and the procedural limitations of the legal framework in delivering timely and effective relief to elderly petitioners (Indian Kanoon, n.d.; CaseMine, n.d.).

A comprehensive survey conducted by the Department of Economics and Statistics, Kerala (2018), examining 45 selected old age homes in Ernakulam, highlights varied management structures and origins. Of these homes, only one is directly managed by government or local authorities, while 10 are operated by social organizations, 29 by religious institutions, and one by private management. The remaining four fall under other unspecified categories. The survey further reveals that a substantial proportion of these homes have been in operation for several decades, with 25 established prior to 1990, four between 1991 and 1995, 12 between 1996 and 2000, and an additional four after 2000. All these findings indicate that many of these institutions were founded in response to the growing elderly population well before the enactment of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*.

SUGGESTIONS

1. Strengthen awareness campaigns about the Maintenance and Welfare of Parents and Senior Citizens Act among the elderly and the general public.
2. Improve the registration and regulation of old age homes to ensure uniform standards.
3. Enhance the capacity and efficiency of Maintenance Tribunals for faster dispute resolution.
4. Promote community-based elder care alternatives to reduce over-reliance on institutions.
5. Address gender disparities in old age homes through targeted welfare schemes.

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