



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

diploma in Public

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

SAFEGUARDING THE RIGHTS OF INDIA'S ELDERLY: HUMAN RIGHTS IN THE FACE OF AGEING CHALLENGES

AUTHORED BY - AKRATI AGNIHOTRI

Assistant Professor

SAGE University, Indore

Abstract

Old age is an inevitable phase of human life, comparable to childhood in its dependency. In traditional Indian society, elders were venerated as divine figures, but the shift toward nuclear families has disrupted this cultural norm, often leading to neglect and marginalization of the elderly. Today, many older adults are seen as burdens once they become economically and physically dependent. This paper explores the legal, social, and institutional gaps affecting the elderly in India and evaluates current laws, policies, and frameworks aimed at protecting their rights. It emphasizes the urgent need to reinforce human dignity and welfare for senior citizens in the evolving societal structure.

1. Introduction

Human rights, inherently tied to the dignity of every individual, apply to all—regardless of age. These rights, although universal and timeless, are often undermined in old age. While civil liberties are defined by state law, human rights are broader and not subject to political whims. Recognized globally through instruments like the Universal Declaration of Human Rights (1948), they emphasize values such as liberty, equality, and access to basic needs. The elderly deserve to benefit from these protections as much as any other age group.

2. Traditional Perspectives on Elderly Care

In ancient India, the Vedic tradition emphasized respect, service, and reverence toward elders as a sacred duty. The societal structure was governed by the concept of 'Chatur Ashrama'—Brahmacharya, Grihastha, Vanaprastha, and Sannyasa. During Vanaprastha, elders were encouraged to withdraw from material responsibilities and focus on spiritual progress, supported by family and community.

"Mātr̥ devo bhava, Pitṛ̥ devo bhava..." (Taittiriya Upanishad 1.11.2) — 'Revere your mother as God; revere your father as God.'

This foundational Vedic verse clearly equates parents with divinity, making elder care a dharmic (righteous) responsibility rather than just a social norm.

[Further sections will include modern challenges, legal frameworks, international perspectives, integration of Vedic models in policymaking, and conclusion with ancient scriptural insights.]

3. The Rise of Modern Human Rights

Modern human rights evolved alongside democratic and legal reforms in the 17th and 18th centuries, including landmark charters like the English Bill of Rights and the U.S. Constitution. Over time, these ideas extended to cover vulnerable groups—children, women, and eventually the elderly—prompting international conventions and humanitarian treaties that now shape the rights discourse globally.

4. The Indian Context: Challenges Facing the Elderly

a) Financial Hardship:

Older individuals often face financial difficulties due to job loss, lack of pension coverage, and limited savings.

b) Affliction:

Ageing leads to physical decline, yet access to medical care, nutrition, and suitable housing remains limited for many.

c) Psychological and Sociatal Pressure:

Isolation, depression, and elder abuse are growing problems, especially with the decline of the joint family system.

d) Increasing Elderly community:

India's senior population is expanding rapidly, projected to exceed 18% of the population by 2025.

e) Elder Abuse:

Abuse can be physical, emotional, or financial, often rooted in prolonged family conflict or dependence dynamics.

5. Global Perspective and International Obligations

International law recognizes older individuals' rights to dignity, safety, healthcare, housing, and participation. Major developments include the UN Plan of Action on Ageing (1982), International Day of Older Persons (October 1), and the UN Principles for Older Persons (1991), emphasizing independence, participation, care, self-fulfillment, and dignity.

6. Legal and Policy Measures in India

a) Constitutional Provisions:

Directive Principles (Articles 41 and 46) recognize the State's role in ensuring elderly welfare.

b) Personal Laws:

- Hindu Law (HAMA 1956)
- Muslim Law (duty to maintain aged parents)

c) Criminal Law:

- Section 125 CrPC mandates financial support from children to dependent parents.

d) Government Schemes:

Includes National Policy for Older Persons (1999), AGEWELL Council, and travel/health/tax benefits.

7. Reclaiming Vedic Values in Contemporary Policy

India's ancient Vedic civilization did not view ageing as a decline, but as a period of enlightenment and societal contribution. Reincorporating these principles in modern policymaking can enrich the ethical framework for senior citizen welfare.

Policy Inspirations from Vedic Culture:

- Vanaprastha Ashrams
- Intergenerational Learning
- Dharmic Duty-Based Campaigns

8. Conclusion

The crisis in elderly care in India is not due to a lack of legal frameworks alone, but a gradual erosion of civilizational values. Ancient Indian scriptures offer timeless guidance on how societies must treat their elders—with compassion, dignity, and reverence. We must re-spiritualize the discourse around ageing by reconnecting with the wisdom of the Vedas and Upanishads, turning the tide from neglect to nurture.

"An elder, even when poor or unproductive, is not a burden but a bearer of light in the twilight of life."

References:

Mandal, S. N. (2011). Protection of rights of oldage person in India: a challenging facet of human rights. *Available at SSRN 1880956.*

