

## Judicial Strengthening of Welfare of Senior Citizens in Goa, India: Interactions Between Cultural Norms and Formal Legal Systems with Special Reference to SDG 16

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### ABSTRACT

According to the 2011 Census in India, the number of senior citizens (individuals aged 60 years and older) is 10.38 crore. The anticipated population of Senior Citizens aged 60 and above in the country for 2026 (as of March 1st) is estimated to be 17.32 crore, according to the study from the Technical Group on Population Projections established by the National Commission on Population. Traditionally and culturally senior citizens were respected and treated as Gods in India but presently they are encountering numerous challenges, one of which is insufficient or non-existent maintenance. The primary reason many senior persons in India turn to begging on the streets is the issue of financial support which is because of change in the cultural norms of the country over time. The Formal Indian Legal system and the Judiciary has assumed a proactive role in safeguarding the rights of senior citizens in India. Every effort is made to ensure equitable access for senior citizens so as to have a harmonious interaction with the cultural norms of the country. The Sustainable Development Goals urges to foster harmonious and welcoming societies for sustainable development, ensure equitable access to justice for all, and establish effective, accountable, and inclusive institutions at every level. The researcher in this study seeks to analyse the function of the Indian Legal System and the Judiciary and to observe the interaction of the cultural norms concerning the rights of senior citizens to get maintenance and proper welfare. The researcher in the present study has also collected data from the Honourable High Court of Bombay at Goa so as to ascertain the number of appeals filed in the State of Goa over the period from 2007 till 2024.

**Keywords:** Cultural Norms and Indian Legal System, Legal Protection to Senior Citizen, Judicial effectiveness and access to justice for vulnerable groups, Senior Citizens' Welfare in Goa, SDG 16.

### INTRODUCTION

The number of older people in the world has grown as the death rate has gone down thanks to better medical care. But this has also made it harder for younger people to take care of older people. In developed countries, the government takes an active part in making sure that senior citizens get the care and support they need. In developing countries, the issue of taking care of senior people and making sure they are happy and healthy is much worse.

The 2011 Indian Census found that 10.38 Crore people are Senior Citizens, which means they are 60 years or older. As of March 1, 2026, 17.32 crore people in India will be 60 years or older, according to the study of the Technical Group on Population Projections set up by the National Commission on Population.

Senior Citizens in India had a very high social standing. The Hindu Society, the Muslim Society, and the Catholic Society all looked up to them. Things have changed since then, though, and now a Senior Citizen in India don't have the same rights. Seniors aren't treated with the respect they receive, and they aren't even given enough maintenance for their daily needs. This leaves them on the streets, where they have to beg to stay alive. Section 144 of the Bharatiya Nagarik Sauraksha Sanhita (BNSS) 2023, talks about taking care of parents, but it doesn't say anything about taking care of senior people. The Maintenance and Welfare of Parents and Senior Citizens Act 2007, is a special law that was made by the Indian government to help parents and older people.

The Indian Judiciary has made sure that everyone has equal access to justice, and the Hon'ble Supreme Court at the centre and the Hon'ble High Courts set up at each state are effective, accountable, and welcoming. This is in line with Sustainable Development Goal No. 16.

## OBJECTIVES OF THE STUDY

- To discuss the laws available for the welfare and maintenance of senior citizens.
- To assess the relationship between shifting cultural practices and the contemporary welfare conditions of senior citizens in Goa.
- To analyse the function of the Indian Judiciary concerning the rights of senior citizens to get maintenance and proper welfare.

### Research Questions

- Whether there are suitable laws for the welfare and maintenance of senior citizens in India.
- Whether the Highest Judiciary in Goa, India has evolved the laws for maintenance and welfare of Senior Citizens.
- Whether there is access to justice for all senior citizens.
- Whether the cultural practices in India have played a role in shaping the policies and Judicial decisions in Goa, India.

### Hypothesis

Cultural practises have played a significant role in shaping the implementation and interpretation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in the State of Goa, India.

## METHODOLOGY

The present study has been conducted with the help of a mixed research methodology. For the purpose of the study, data was collected from the Hon'ble High Court of Bombay at Goa about the pendency of maintenance cases before the tribunal from the period of 2007 to 2024. The data was collected under the provisions of the Right to Information Act 2005.

## LIMITATIONS

As for the purpose of the study, the data was collected by seeking information under the Right to Information Act 2005, the data for last few couple of months of the year 2024 has not been covered.

### Indian Cultural System and Welfare of Senior Citizens

Matru Devo Bhav and Pitru Devo Bhav are Sanskrit expressions that express gratitude toward one's parents. According to Hindu Law, it was every child's responsibility to support their parents, who represented the holy deities Brahma, Vishnu, and Mahesh. Mahomedan Law required children to help their destitute parents regardless of their ability to generate cash. The Indian Catholics also relied on the teachings in the Holy Bible which place great importance to Parents and senior citizens.

Indian seniors have a special place in the hearts of the country's holy books. Old books put the leaders on a high pedestal. But over the years, senior people have become less important.

In the past, Hindu adult males were expected to take care of their elderly parents when they were too sick or poor to do so on their own.

In the Muslim Society, it is mandate of the *Holy Quran* that "...And be humble with them out of mercy and pray, My Lord be merciful to them both as they raised me up when I was young..."

Under the Catholic Society, although there is no personal law on maintenance, The Holy Bible states as follows:- "Children, obey your parents in the Lord, for this is right. Honor your father and mother, his is the first commandment with a promise, that it may go well with you and that you may live long in the land"...."Listen to your father who gave you life and do not despise your mother when she is old." Pope Francis has also stated that "*No elderly should be an exile in our families, The elderly is a treasure for our society*".

### **Why is there a Need to Maintain Senior Citizens?**

With the onset of modernization, the traditional cultural concepts changed, and senior citizens were no longer given a place of respect. The concept of God and deities slowly depleted and senior citizens and parents were also avoided. Urbanization led to abandoning of parents and senior citizens in Villages. The development of a nation is measured by the wellbeing of its people; if the senior citizens are not adequately maintained then they will be on the streets thereby making the country an undeveloped or a developing country.

### **Formal Legal System in Goa, India**

The State of Goa which was a Portuguese colony became a part of India on 19<sup>th</sup> December 1961 and it attained statehood on 29.05.1987. The various laws of India have been extended to Goa but the laws of marriage, divorce, inheritance and succession under the erstwhile Portuguese law have been saved.

### **Constitutional Foundations for the Welfare of Senior Citizens in India**

People in India have certain rights and responsibilities that are written down in their Constitution. Senior citizens can use the basic rights and fundamental principles of state policies to protect their rights. India's constitution says that the government can't keep anyone from being equal before the law or getting the same safety from the law. Since equality is a basic right, it would also mean treating older people the same as younger people. Additionally, the law says that no one can be stripped of their life or freedom without following the steps set out by the law. Article 21 of India's Constitution has also been read to include protecting the rights of senior people.

### **Legislative Framework for Maintenance of Senior Citizens in India**

There are certain laws and policies for securing maintenance and welfare of senior citizens in India.

### **Section 144 of the Bharatiya Nagarik Sauraksha Sanhita (BNSS) 2023**

The Bharatiya Nagarik Sauraksha Sanhita (BNSS) 2023, specially section 144, gives wives, children, and parents a way to get support. The amount of the maintenance is based on how well the family lives. The said provision has substituted Section 125 of the Criminal Procedure Code 1973. The Hon'ble Punjab and Haryana High Court, has also held that the Court can grant ex-parte ad interim maintenance.

### **Hindu Adoption and Maintenance Act, 1956**

The Act provides support to infirm parents if they have been unable to sustain themselves through their own income or assets. The provisions of the Act have been limited to the parents who have been unable to maintain themselves out of any income source.

### **The Maintenance and Welfare of Parents and Senior Citizens Act 2007**

The Maintenance and Welfare of Parents and Senior Citizens Act 2007, was passed in 2007. (Hereinafter referred to as "MWPSA Act" or "MWP Act") to cater the need of Maintenance and Welfare of Parents and Senior Citizens.

As per the provisions of the MWPSA Act on attaining the age of majority children and grandchildren, irrespective of sex have been required to provide maintenance to their needy parents and grandparents. The maximum limit has been fixed at Rs. 10,000/- (Rupees Ten Thousand Only) per month. For speedy disposal of the application, it is obligatory to dispose the maintenance application within 90 days after the service of the notice to the respondent. The MWPSA Act imposes a duty on states to establish senior citizen homes in every district. The State government has been under the responsibility to sensitize the population about the MWPSA Act through social media, including television, radio, and print media. Additionally, this MWPSA Act also protects the interest of senior citizens who had transferred property via gift or other means subject to maintenance to the transferee before the commencement of this Act. The MWPSA Act saves the interest of senior citizen while cancelling the transfer of property in case the transferee failed to maintain the transferor.

## Judiciary as a Guardian of the Aged: Interventions in Senior Citizens' Welfare

The Indian Judiciary has been the forerunner in promoting the rights of Senior Citizens and ensuring their welfare and maintenance throughout the country. The Judiciary has also recognized the importance of cultural practises in shaping the policies and Judicial decisions.

The High Court of Punjab and Haryana in *Ashwinder Singh and another vs. Bhagwant Singh and another*, observed that "*Maastru Devo Bhava*" (revere your mother as God) and "*Pitro Devo Bhava*" (revere your father as God) is a well-known proverb. On page 1200 of *Sri Guru Granth Sahib*, *Sri Guru Ram Dass* has written that "*KAHAY POOT JHAGRAT HA-O SANG BAAP / JIN KAY JANAY BADEERAY TUM HA-O TIN SIO JHAGRAT PAAP / /*" (O son, why do you argue with your father? It is a sin to argue with the one who fathered you and raised you.). The above words of prudence guide us that we have to treat our parents as God."

The Honourable Supreme Court of India in *Ashwani Kumar v. Union of India*, bringing the Act under Social Justice Parameters stated that "...*Social justice*' in the Preamble of our Constitution has been given pride of place and for good reason since it is perhaps the most important and significant form of justice..."

The apex court further while acknowledging the responsibility of state under the Directive Principle of State Policy stated that "...*The rights of elderly persons is one such emerging situation that was perhaps not fully foreseen by our Constitution framers. Therefore, while there is a reference to the health and strength of workers, men and women, and the tender age of children in Article 39 of the Constitution and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want in Article 41 of the Constitution, there is no specific reference to the health of the elderly or to their shelter in times of want and indeed to their dignity and sustenance due to their age...*"

Additionally, the Honourable Supreme Court further in the same case *Ashwani Kumar (Supra)* has laid down the directions for protection of the interest of senior citizens as follows:-"*(1)The Union of India will obtain necessary information from all the State Governments and the Union Territories about the number of old age homes in each district of the country and file a Status Report in this regard, (2)The Union of India will also obtain from all the State Governments the medical facilities and geriatric care facilities that are available to senior citizens in each district and file a Status Report in this regard, (3)On the basis of the information gathered by the Union of India as detailed in the Status Reports, a plan of action should be prepared for giving publicity to the provisions of the MWP Act and making senior citizens aware of the provisions of the said Act and the constitutional and statutory rights of senior citizens, (4) Section 30 of the MWP Act enables the Government of India to issue appropriate directions to the State Governments to carry out and execute the provisions of the MWP Act. The Central Government must exercise its power in this regard and issue appropriate directions to the State Governments for the effective implementation of the provisions of the MWP Act. Alongside this, the Central Government must, in terms of Section 31 of the MWP Act, conduct a review for the purposes of monitoring the progress in implementation of the MWP Act by the State Governments, (5)Some of the schemes referred to hereinabove are comparatively dated. It is high time that the Government of India has a relook at these schemes and perhaps overhaul them with a view to bring about convergence and avoid multiplicity. In particular, the Government of India and the State Governments must revisit the grant of pension to the elderly so that it is more realistic. Of course, this would depend upon the availability of finances and the economic capacity of the Government of India and the State Governments.*"

The Honourable Supreme Court in the case of **S Vanitha V/s Deputy Commissioner, Bengaluru Urban District & Ors**, while observing that the Senior Citizens Act, 2007 as also the Domestic Violence Act, 2005 are special legislations has held that the two must be construed harmoniously and applied suitably by a writ court hearing a plea of the senior citizens that they do not want their children to live with them and observed as follows:-"*This Court is cognizant that the Senior Citizens Act 2007 was promulgated with a view to provide a speedy and inexpensive remedy to senior citizens. Accordingly, Tribunals were constituted under Section 7. These Tribunals have the power to conduct summary procedures for inquiry, with all powers of the Civil Courts, under Section 8. The jurisdiction of the Civil Courts has been explicitly barred under Section 27 of the Senior Citizens Act 2007. However, the over-riding effect for remedies sought by the applicants under the Senior Citizens Act 2007 under Section 3, cannot be interpreted to preclude all other competing remedies and protections that are sought to be conferred by the PWDV Act 2005. The PWDV Act 2005 is also in the nature of a special legislation, that is enacted with the purpose of correcting gender discrimination that pans out in the form of social and economic inequities in a largely patriarchal society. In deference to the dominant purpose of both the legislations, it would be appropriate for a Tribunal under the Senior Citizens Act, 2007 to grant such remedies of maintenance, as envisaged under S.2(b) of the Senior Citizens Act 2007 that do not result in obviating competing remedies under other special statutes, such as the PWDV Act 2005. Section 26 of the PWDV Act empowers certain reliefs, including relief for a residence order, to be obtained from any civil court in any legal proceedings. Therefore, in the event that a composite dispute is alleged, such as in the present case where the suit premises are a site of contestation between two groups protected by the law, it would be appropriate for the Tribunal constituted under the Senior Citizens Act 2007 to appropriately mould reliefs, after noticing the competing claims of the parties claiming under the PWDV Act 2005 and Senior Citizens Act 2007. Section 3 of the Senior Citizens Act, 2007 cannot be deployed to over-ride and nullify other protections in law, particularly that of a woman's right to a "shared household" under Section 17 of the PWDV Act 2005. In the event that the "aggrieved woman" obtains a relief from a Tribunal constituted under the Senior Citizens Act 2007, she shall duty-bound to inform the Magistrate under the PWDV*"

*Act 2005, as per Sub-section (3) of Section 26 of the PWDV Act 2005. This course of action would ensure that the common intent of the Senior Citizens Act 2007 and the PWDV Act 2005- of ensuring speedy relief to its protected groups who are both vulnerable members of the society, is effectively realized. Rights in law can translate to rights in life, only if there is an equitable ease in obtaining their realization."*

The Honourable Supreme Court in **Sudesh Chhikara V/s Ramti Devi & Anr**, had observed that in the case when it is alleged before the Maintenance tribunal that the transfer was made on the promise of maintenance, the same should be demonstrated before the Maintenance Tribunal. In this regard the Court stated that, *"When a senior citizen parts with his or her property by executing a gift or a release or otherwise in favour of his or her near and dear ones, a condition of looking after the senior citizen is not necessarily attached to it. On the contrary, very often, such transfers are made out of love and affection without any expectation in return. Therefore, when it is alleged that the conditions mentioned in sub-section (1) of Section 23 are attached to a transfer, existence of such conditions must be established before the Tribunal. Effecting transfer subject to a condition of providing the basic amenities and basic physical needs to the transferor - senior citizen is sine qua non for applicability of sub-section (1) of Section 23."*

The Hon'ble Supreme Court in **Urmila Dixit v. Sunil Sharan Dixit**, while accepting the beneficial nature of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Court observed that, *"MWPSA Act is beneficial and should be interpreted broadly to achieve its goals and the Tribunals constituted under the Act, when exercising jurisdiction under Section 23, might order the transfer of possession."*

The Hon'ble Supreme Court in **Samtola Devi v. State of Uttar Pradesh**, ruled that only in exceptional circumstances, Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 can be invoked to issue eviction orders to protect senior citizens. The Honourable Court relied on Urmila Dixit's case and stated that the *Tribunal may order" eviction, but not always"*.

Recently, the Hon'ble Supreme Court in **Rajeswar Prasad Roy v. State of Bihar and Ors**, considered that it was the obligation on the District Magistrate to protect senior citizens' lives and possessions so they can live with dignity. It was also observed that sometimes without evicting the son and daughter-in-law, the Act's aim would be defeated.

**In Justice Shanti Sarup Diwan, Chief Justice (Retired) & another Vs Union Territory, Chandigarh & others**, the High Court of Punjab and Haryana while appreciating the provisions of the Act about obligation of the person inheriting the property to maintain the senior citizen stated that: *"The Act is not restricted to only providing maintenance but cast an obligation on the persons who inherit the property of their aged relatives to maintain such aged relatives. One of the major aims was to provide for the institutionalization of a suitable mechanism for the protection of 'life and property of older persons."*

Further, the obligatory provision regarding maintenance on transfer in the MWPSA Act was appreciated by The Kerala High Court in **Subhashini v/s The District Collector**, in following words, *"The Act attempts to provide a dignified existence to the elderly and in drawing the contours of the power conferred under Section 23(1) we have to necessarily be conscious of the inter-play of the rights of the senior citizen and that of the beneficiaries to a transaction; of those acquired on property as regulated by various statutes. The Preamble speaks of The Act as one to provide effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution. Though not specified it has a reference to Article 21 and 41 of the Constitution of India. Article 41 included in Part IV, 'Directive Principles of State Policy', is an obligation cast on the State and is not enforceable. The Act however, casts an obligation on the persons who are entitled to inherit, to maintain and care for their aged parents/ relatives, in the twilight of their life..."*

### **Judiciary as a Guardian of Senior Citizens' Welfare in Goa**

As justice must be accessible to all and the same must be effective, accountable and inclusive at all levels, it has to be seen as to how the same is in the State of Goa.

The Hon'ble High Court of Bombay at Goa in **Jatin Ramaiya v. State of Goa**, issued directives to guarantee that the provisions of the MWPSA Act are fully and effectively enforced in the State of Goa, marking a notable step towards this goal. The Act's Maintenance Tribunals and Appellate Authorities are required by the Court to read and adhere to the requirements of Sections 5,6,8,9,13,14, and 17. They were also told to make sure that maintenance applications from parents and seniors were handled within the specified time frames.

In its detailed order, the Court mandated that Maintenance Tribunals select individuals who met the qualifications set out in Section 6(6) of the Act and Rule 3 of the related Rules in order to serve as Conciliation Officers. The Court further stressed that the federal and state governments should work together to identify a suitable authority to serve summonses on foreign-based children or relatives under Section 6(5) of the Act.

Appointed under Section 18, Maintenance Officers were required to visit all assisted living facilities and state-run nursing homes every three months. The elderly residents' health and financial situations were to be monitored and reported on, and they were also to be educated about their rights under the Act. Additionally, the officers were obligated to act as advocates for these elderly individuals before the Maintenance Tribunals and Appellate Authorities, should they so desire.

The State Government's responsibilities under Section 20 of the Act were also heavily emphasized by the Court. This section requires all government hospitals, as well as those partially or entirely funded by the government, to offer senior citizens dedicated beds, separate lines to minimize waiting time, and specialized care for chronic, terminal, and degenerative diseases. A medical officer with expertise in elderly care must be in charge of each district hospital's geriatric care facilities, according to another directive.

Director of Social Welfare and Director of Information were directed to periodically distribute information through print, radio, and television media in order to ensure extensive public understanding of the Act and its rules, as specified under Section 21(i) of the Act. Additionally, the Court required regular reporting on the training and sensitization of medical staff, police officers, and social welfare department officers.

The Court further emphasized that, under Section 19 and Rule 18 of the Act, the State is responsible for implementing plans for the administration of nursing facilities for low-income elderly people. The norms and requirements specified in the Schedule must be met by these residences. According to Rule 19, district magistrates are to carry out their statutory duties, and according to Rule 20, district superintendents of police are to ensure the safety of senior persons and their property.

The State Council of Senior Citizens as per the directives of the Hon'ble Court are required to meet every six months; the Member Secretary is tasked with filing minutes and status updates in order to guarantee collaboration on both the state and district levels. In a similar vein, the District Committees of Senior Citizens were supposed to convene every three months and record their meeting minutes and reports to show how things were going with implementation.

In **Mohan Damu Naik vs State of Goa, through Chief Secretary**, the Hon'ble High Court of Bombay was concerned with a case wherein although the Maintenance Tribunal had passed an order, there was no compliance of such order even after applications for such executions were filed. The Senior Citizens thereafter approached the Hon'ble High Court to intimate the fact as regards failure of the Maintenance Tribunal. The Hon'ble High Court ordered the Maintenance Tribunal to proceed in a time bound manner and to comply with the directions laid down in *Jatin Ramiya (Supra)*.

In **Raymond Rodrigues v.s State of Goa**, the Hon'ble High Court of Bombay at Goa was concerned with a situation wherein the children of the senior citizens had challenged the order of maintenance passed by the Maintenance Tribunal. It was observed that the senior citizens were residing without any maintenance or proper amenities in an outhouse and the children were enjoying all amenities. The Hon'ble Court while dismissing the Petition proceeded to award costs to the Senior Citizens and also directed the in charge of the police station to see that the order of the Maintenance Tribunal is complied in true spirit. Further the senior citizens were ordered to be accommodated on the ground floor of the main house without any disturbance. Further, the Tribunal was directed to call for a report from the Mamlatdar/Magistrate as well as the in charge of the Police Station regarding compliance of the order.

### **Data Collection from the Hon'ble High Court of Bombay at Goa and Interpretation on Welfare and Maintenance in Goa**

The data had been collected from Hon'ble High Court of Bombay at Goa by filling RTI Application about the pendency of cases filed under the MWPSA Act. The information was provided by the court as follows:

The number of cases/proceedings/appeal/writ petitions filed before the Hon'ble High Court of Bombay at Goa from 2007 till date under the Maintenance and Welfare of Parents and Senior Citizens Act.	5 number of cases.
The number of cases/proceedings/appeals/writ petitions which have been decided by the Hon'ble High Court under the Maintenance and Welfare of Parents and Senior Citizens Act.	4 number of cases.
The number of cases/proceedings/appeals/writ petitions under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act. which have been decided by the Hon'ble High Court.	1 number.

Table No. 1- The information as received with regards to pendency of cases under the Maintenance and Welfare of Parents and Senior Citizens Act before the Hon'ble High Court of Bombay at Goa.

Table No. 1 revealed that from 2007 only 5 cases have been filed under the MWPSA Act out of which 4 cases had already been decided till September 2024 with the pendency of only one case in the said court.

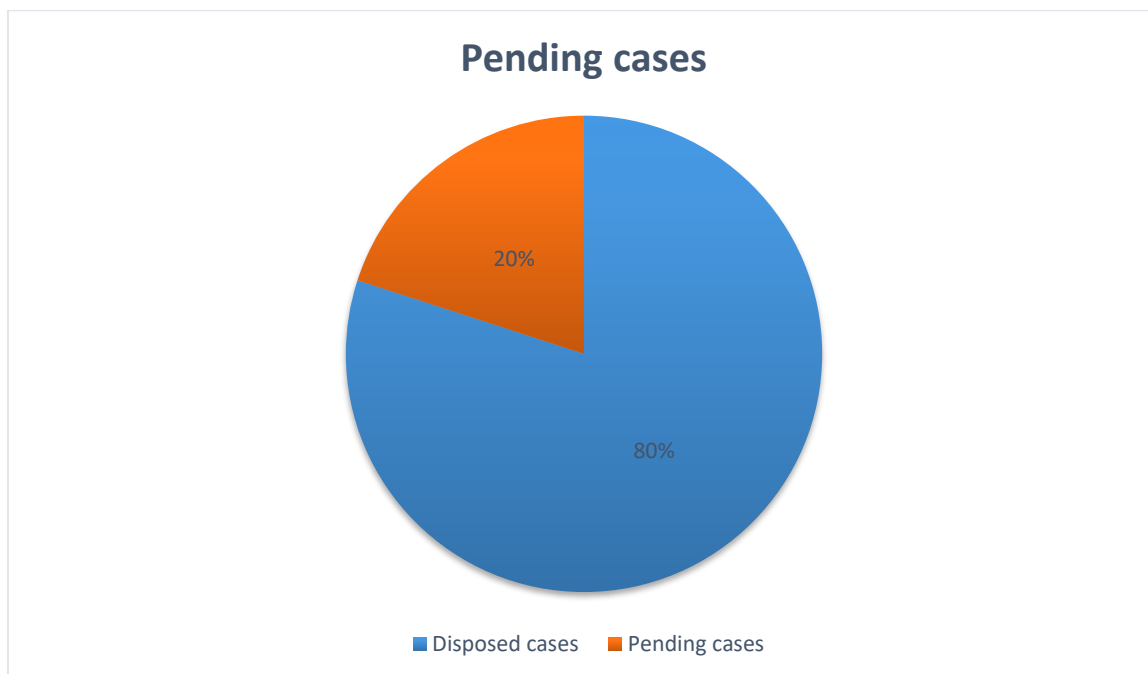


Diagram No. 1:- The pending cases under the Maintenance and Welfare of Parents and Senior Citizens Act before the Hon'ble High Court of Bombay at Goa.

The above diagram No. 1 revealed the percentage of the pendency in the court which has been found to be 20% with 80 percent disposal rate of the total filled cases.

## RESULTS AND DISCUSSION

The loss of cultural values over time owing to modernization has resulted in the introduction of a special law viz. The Maintenance and Welfare of Parents and Senior Citizens Act 2007.

The Judiciary has taken a note of the cultural values and basis for the implementation of the legislation and has tried to ensure welfare to the Senior citizens. The Hon'ble High Court of Bombay at Goa has been actively dispensing justice in cases under the Maintenance and Welfare of Parents and Senior Citizens Act as well. The data reveals that there is preference given to the disposal of cases under the MWPSA Act as at the time of obtaining the data, the disposal rate was 80%.

The preference to the cases under the MWPSA Act can be seen from the proactive stand taken by the Hon'ble High Court of Bombay at Goa in the cases of Jatin Ramiya (Supra), Mohan Damu Naik (Supra) and Raymond Rodrigues (Supra). It appears that Raymond Rodrigues (Supra) was disposed by the Hon'ble High Court of Bombay at Goa in October 2024, soon after the receipt of the information under the Right to Information Act 2005 for the present study. Further there were additional cases before the Hon'ble High Court of Bombay which were either withdrawn, or had become infructuous before the researcher had obtained the information under the Right to Information Act 2005. Thus the outcome of the all the five cases which were reported by the Public Information Officer of the Hon'ble High Court was found and analysed in the present study as well.

## CONCLUSION AND SUGGESTIONS

The Judiciary in India has been very proactive in dealing with cases of welfare and maintenance of senior citizens and that is a very positive sign for the senior citizens in India and specifically for the senior citizens in the State of Goa. The examination of the various judgments of the Hon'ble High Courts and the Hon'ble Supreme Court has led to drawing of a safe conclusion that the Maintenance and Welfare of Parents and Senior Citizens Act has been interpreted in such a manner that the statement of objectives are being attained. Thus, the role of the Judiciary has been very evolving, and it has shaped, enforced and balanced the application of law to a great extent.

The study was conducted with various research objectives in mind and the same have been attained. The various laws available for the welfare and maintenance of senior citizens have been discussed and the recent and landmark judgments on the topic were analysed. The analysis of the landmark judgements led to the identification of the evolving role of the judiciary in shaping, enforcing and balancing the application of the law in maintenance and welfare of senior citizens. Furthermore, it has been observed that the access to justice is provided to all senior

citizens with the help and intervention of the Hon'ble Supreme Court and the Hon'ble High Courts. The Hon'ble Courts are efficiently administering justice. The Courts are accountable to the populace and are "inclusive," signifying that all individuals are engaged, accepted, and afforded equal chances, irrespective of age, gender, ethnicity, ability, or social standing.

The research questions framed at the beginning of the study were answered and it was found that there are suitable laws for the welfare and maintenance of senior citizens in India in the form of Section 144 of the Bharatiya Nagarik Sauraksha Sanhita (BNSS) 2023 and in the form of a special law i.e the Maintenance and Welfare of Parents and Senior Citizens Act 2007. Further, the examination of the various judgments has led to the answer that the Indian Judiciary has evolved the laws for the maintenance and welfare of Senior Citizens exponentially. The Hon'ble High Court of Bombay at Goa in the case of *Jatin Ramaiya v. State of Goa*, PIL Writ Petition No. 11 of 2010 and in cases of maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 is proactively dealing with the cases before it in a time bound and fast manner has helped in evolving the laws for maintenance and welfare of Senior Citizen. Also, the landmark judgments of the Hon'ble Supreme Court and the High Courts have made it apparent that there is access to justice to all senior citizens. Finally and importantly, the decisions of the Hon'ble Supreme Court and High Court from different states, including the High Court of Bombay in Goa, have confirmed without a doubt that everyone, including the elderly, has access to justice and that the Hon'ble Courts are effectively carrying it out, regardless of a person's age, gender, race, ability, or socioeconomic status, the courts are "inclusive," meaning that they engage with, accept, and give equal opportunity to all individuals. Finally, it is also clear that the cultural practices in India have played a role in shaping the policies and Judicial decisions in Goa, India.

Thus, we can say that the hypothesis i.e., Cultural practises have played a significant role in shaping the implementation and interpretation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in the State of Goa, India, has been proved by the study.

The study has found that the highest judiciary i.e the Hon'ble Supreme Court and the High Courts are doing everything in their capabilities to dispense justice to Senior Citizens, but at the grass root level there may be a few exercises which are required to be carried out for further effective maintenance and welfare of Senior citizens.

## **SUGGESTIONS**

### **General Suggestions**

- Requirement of moral education: - Students in schools and young adults in universities should be informed about the requirements of MWPS Act through their curriculum or social media outreach programs to instil awareness from an early age. The problems start at home and as such if the children are made aware about the importance of a senior citizen then their approach towards the senior citizens would change for the better.
- Need for increasing awareness about the laws: - There is a need to spread awareness about the welfare provisions by way of social media and print media. This may help in bringing this Act to the attention of the senior citizens and they would be more aware about their remedies. The Government may take initiative to publicise the law so that the maximum benefits may reach the senior citizens so as to achieve Sustainable Development Goal No. 16.

### **Legal Suggestions**

- Need for maintenance as per standard of living and actual needs of the Senior Citizen: The maximum maintenance amount of Rs. 10,000/- (Rupees Ten Thousand Only) per month has to be removed. This higher limit does not permit the authorities to grant a higher amount even if the standard of living of the children is very high. Further in cases of medical emergencies, the presiding officers would not be able to grant a higher maintenance even if the senior citizens are entitled for the same.
- Accountability of presiding officer for failing to deliver order within 90 days: Presently, the MWPS Act provides that the order has to be passed within 90 days of receipt of notice by the children and/or relatives. But there is no strict adherence of the said provision. Unless there is accountability of the maintenance tribunal, the good work done by the highest judiciary in the state and the country will have no meaning. The presiding officer should be made personally liable for the delay in passing the order. The time period could be further reduced to 30 days so that the Act can be made more effective. The senior citizen cannot be expected to remain without maintenance for a long period of time.
- Maintenance by Government in case of extreme urgency: Pending the decision of the Maintenance Tribunal, the senior citizens should not be left to fend for themselves. The Government should inquire with the

senior citizens about their basic needs of food, accommodation and shelter. If the needs are not met then during the pendency of the maintenance case, the Government should provide such basic needs.

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### **Competing Interests**

The authors have no competing interests to declare that are relevant to the content of this article.

### **Ethics approval**

The researcher did not interact with any human participants/ subjects, and the study does not contain identifiable private information.

### **Consent**

Consent was not needed as no human participants were involved.

### **Author's Contribution**

Both the Authors have contributed to the work equally.

## **REFERENCES**

- Press Information Bureau. (2022, August 2). Population of senior citizens. Ministry of Social Justice & Empowerment. <https://pib.gov.in/PressReleasePage.aspx?PRID=1847436>
- Press Information Bureau Government of India. (2023). The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023). Ministry of Home Affairs. <https://www.indiacode.nic.in/handle/123456789/20099India Code+1Wikipedia+1>
- Government of India. (2007). The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act No. 56 of 2007). Ministry of Social Justice and Empowerment. <https://www.indiacode.nic.in/handle/123456789/2033>
- Biddappa, R. M. (n.d.). A study on the harsh reality of senior citizens and family issues in India. *Legal Desire International Journal on Law*, 8(27), 23–32.
- Tiwari, R. (2012). Philosophy of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in India: An appraisal. *International Journal of Advancements in Research and Technology*, 1(4), 1–6.
- Qureshi, M. A. (2020). *Muslim law* (6th ed., p. 137). Central Law Publications.
- Sree, S. R. A. (2020). Right to property with responsibility. *International Journal of Legal Science and Innovation*, 2(3), 288–299.
- Live Law News Network. (2024, April 30). Punjab & Haryana High Court: Power To Grant Ex-Parte Ad-Interim Maintenance Under Section 125 CrPC Read With Section 144 BNSS. LiveLaw. <https://www.livelaw.in/high-court/punjab-and-haryana-high-court/punjab-haryana-high-court-power-to-grant-ex-parte-ad-interim-maintenance-punjab-haryana-high-court-sec125-crpc-sec-144-bnss-267452>
- The Hindu Adoption and Maintenance Act 1956 (Act No.78 of 1956)
- Ashwinder Singh & Anr. v. Bhagwant Singh & Anr., R.S.A. No. 186 of 2014 (High Court of Punjab and Haryana at Chandigarh). Retrieved May 1, 2025, from <https://indiankanoon.org/doc/170609429/>
- Justice Shanti Sarup Diwan, C.J. (Retd.) & Anr. v. Union Territory, Chandigarh & Ors., L.P.A. No. 1007 of 2013 (High Court of Punjab and Haryana at Chandigarh). Retrieved April 25, 2025, from <https://indiankanoon.org/doc/49020550/>
- Subhashini v. The District Collector, W.A. No. 1460 of 2015 (Kerala High Court, Ernakulam). Retrieved April 29, 2025, from <https://indiankanoon.org/doc/163884071/>
- Jatin Ramaiya v. State of Goa, PIL Writ Petition No. 11 of 2010 (Bombay High Court, Goa Bench, Aug. 2, 2019). Retrieved from <https://www.casemine.com/judgement/in/5d4b34dd4a93267715617751>
- Mohan Damu Naik v. State of Goa, through Chief Secretary and 6 others, 2024:BHC-GOA:1449 (Bombay High Court at Goa, 2024).
- Raymond Rodrigues v. State of Goa, 2024:BHC-GOA:1874 (Bombay High Court at Goa, 2024).
- Hemlata Ankush Kharbe v. Vitthal Atmaram Kharbe & Others, Writ Petition No. 352 of 2021 (Bom. High Court at Goa, Jan. 2021).
- Blasco J. G. Luis Pereira Rodrigues v. Russell Mark Rodrigues, Writ Petition No. 129 of 2023 (Bombay High Court at Goa, 2023).
- Ashwani Kumar v. Union of India, W.P. (C) No. 193 of 2016 (Supreme Court of India). Retrieved August 16, 2025, from <https://www.casemine.com/judgement/in/5d4b34dd4a93267715617751>

2023, from <https://indiankanoon.org/doc/27374596/>

Smt. S. Vanitha v. The Deputy Commissioner, Bengaluru Urban District & Others, Civil Appeal No. 3822 of 2020 (Supreme Court of India, Dec. 15, 2020). Retrieved April 3, 2025, from <https://indiankanoon.org/doc/71453821/>

Sudesh Chhikara v. Ramti Devi & Anr., Civil Appeal No. 174 of 2021 (Supreme Court of India, Dec. 6, 2022). Retrieved July 16, 2023, from <https://indiankanoon.org/doc/168917655/>

Urmila Dixit v. Sunil Sharan Dixit, Civil Appeal No. 10927 of 2024, Supreme Court of India (Jan. 2, 2025). Retrieved from <https://indiankanoon.org/doc/194091211/CaseMine+5Indian+Kanoon+5Legal+60+5>

Samtola Devi v. State of Uttar Pradesh, 2025 INSC 404 (Supreme Court of India, March 27, 2025). Retrieved from <https://indiankanoon.org/doc/16204659/>

Rajeswar Prasad Roy v. State of Bihar & Others, Civil Appeal arising out of SLP (C) No. 7675 of 2024, Supreme Court of India (Jan. 30, 2025). Retrieved from <https://indiankanoon.org/doc/122964018/>.