

**7th Sat Paul Mittal Memorial Lecture**  
*by*  
**Hon'ble Justice Aravind Kumar, Supreme Court of India**  
*at*  
**Jawaharlal Nehru University, New Delhi**

***Brief Report***

The 7th Sat Paul Mittal Memorial Lecture was organized by the Indian Association of Parliamentarians on Population and Development (IAPPD) in collaboration with the Centre for the Study of Regional Development (CSRD), School of Social Sciences, Jawaharlal Nehru University (JNU), New Delhi, on 18<sup>th</sup> February, 2025. Hon'ble Justice Aravind Kumar of the Supreme Court of India delivered the lecture, titled *"Parental Care, Obligation, and Rights of Elderly Parents: Moral and Legal Perspectives,"* delved into the ethical and legal dimensions of elderly care in contemporary society.



**Prof. P.J. Kurien, Chairman, IAPPD,** presided over the event and **Prof. Dipendra Nath Das, Rector, JNU,** was the Chief Guest on this occasion. Other distinguished attendees included **Prof. Kaushal Kumar Sharma, Dean, School of Social Sciences, JNU,** and **Prof. Sudesh Nangia, Technical Expert, IAPPD.** The proceedings were moderated by **Dr. Bhaswati Das, CSRD, JNU.**

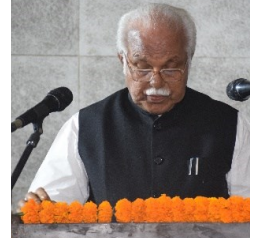
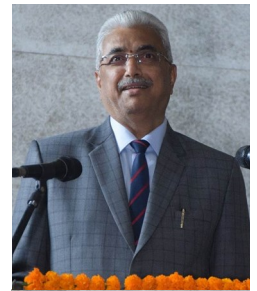




In his lecture, **Hon'ble Justice Aravind Kumar** emphasized the crucial role of society in ensuring dignity, security, and care for the elderly. He remarked, *"The elderly have spent their lives shaping society, nurturing families, and upholding traditions. It is our moral and legal responsibility to provide them with the respect and care they deserve. True justice for the elderly extends beyond legal frameworks; it calls for compassion, love, and a collective commitment to their well-being."*

**Prof. P.J. Kurien**, in his presidential address, paid tribute to **Late Shri Sat Paul Mittal**, the founding Chairman of IAPPD, highlighting his contributions to population and development issues. **Prof. Dipendra Nath Das** expressed gratitude to **Hon'ble Justice Aravind Kumar** for addressing such a vital subject, while **Prof. Kaushal Kumar Sharma** extended the Vote of Thanks. **Prof. Sudesh Nangia** and **Mr. Manmohan Sharma** further elaborated on the legacy of IAPPD and the significance of the Memorial Lecture.

More than 200 students, senior faculty members of JNU, and other invited dignitaries gathered to attend the insightful lecture, marking a significant occasion in the ongoing dialogue about the welfare of elderly parents.



# SPEECH

THE PARENTAL CARE OBLIGATIONS AND RIGHTS OF ELDERLY  
PARENTS – MORAL AND LEGAL PRESPECTIVES



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## **I. Introduction**

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- **Prof. PJ Kurien, Chairman of Indian Association of Parliamentarians On Population and Development (IAPPD), Former Dy. Chairman of Rajya Sabha.**
- **Mr. Manmohan Sharma, Executive Secretary IAPPD;**
- **Prof. Sudesh Nangia, Expert Member , IAPPD**
- **Professor Dipendra Nath Das, Director JNU,**
- **Prof. Kaushal Kumar Sharma, Dean, School of Social Sciences, JNU**
- **Other Dignitaries on and off the Dias**
- **Members of Chairman of Indian Association of Parliamentarians On Population and Development (IAPPD),**
- **Friends from Print and Electronic Media,**
- **Students of JNU and dear guests,**

It is both an honor and a privilege to deliver the 8th Sat Paul Mittal Memorial Lecture today. I am deeply grateful to the organizers for their invitation and for the tremendous effort that has gone into making this event possible. To be chosen to speak in the memory of such an extraordinary individual as Sat Paul Mittal is truly humbling. His vision, dedication to public service, and tireless commitment to the welfare of the marginalized continue to inspire and guide us all. His legacy is woven into the fabric of our society, leaving an indelible mark on the hearts of all who were touched by his work and values.

As I stand before you today, I am particularly proud to have been entrusted with the responsibility of addressing a subject that is at the very heart of our society's moral and legal conscience—the obligations of children towards their elderly parents and the rights of senior citizens from both moral and legal standpoints. In a world that is rapidly modernizing, where personal ambitions often overshadow familial duties, it is crucial that we reaffirm a fundamental truth: our elders are not burdens, but the very foundation upon which we build our lives. They are our roots, our guiding lights, and the pillars that sustain us.

From time immemorial, the care of parents has been revered as one of the highest duties in all civilizations. Across religious texts and philosophical doctrines, the duty to care for one's parents is emphasized as a cardinal virtue, equating it with divine service.

The Taittiriya Upanishad's (***emphasize***) "*Matru Devo Bhava*" and "*Pitru Devo Bhav*" in Sanskrit have roots in the Vedic period of ancient India. which states that the parents were assigned to an extremely high standing by bestowing upon them the title of living deities. The inevitable stage of aging parents comes with the natural life cycle that every human being must go through. It presents a number of difficulties as well as new ways of thinking and living patterns that start to clash with the next generation. This generational divide increases their likelihood of suffering abuse and neglect. Proper food and medication are withheld from them by the individuals from their own families. Occasionally, they are ejected after being made to sign the property documents even disowned by their own children, of their own homes. This results in verbal, and physical, and they are abused financially and psychologically, which puts them in a very vulnerable position.

The concept of 'Pitru Runa' (debt to one's parents) is deeply ingrained in our ethos.

The **Mahabharata (Anushasana Parva, Chapter 104)** proclaims: "*A son who serves and takes care of his aged parents attains greater merit than performing a thousand sacrifices.*"

Hindu rituals, such as **Shraddha** and **Pitru Paksha**, underscore the responsibility of children to ensure the well-being of their deceased parents, reflecting the unbreakable bond of duty even beyond death. If our obligations extend even to the afterlife, how can we neglect them while they are still alive?

The **Ramayana** and **Mahabharata** teach us that the greatest virtue lies in serving one's parents. Lord **Rama's exile for fourteen years** was not just an act of obedience to his father, King Dasharatha, but a symbol of unwavering duty towards parental wishes. Similarly, **Shravana Kumar** epitomized the pinnacle of devotion by carrying his blind and aged parents on his shoulders through forests, emphasizing that children must carry their parents' burdens as their own.

The Holy Bible and The Holy Quran have given guidance about the sacred obligation towards, parents and elderly.

**In the Bible, it is said in Chapter 1 : "Verse 8** Listen, my son, to your father's instruction and do not forsake your mother's teaching. **Verse 9** They are a garland to grace your head and a chain to adorn your neck"**Proverbs 1:8-9**

**In the Holy Quran - Sura Al Isra 23 that is Chapter 17, which describes the Holy Prophet's (Peace be upon Him) night journey from Mecca to Jerusalem it is said:** "For your Lord has decreed that you worship none but Him. And honour your parents. If one or both of them reach old age in your care, never say to them 'even' 'ugh,' nor yell at them. Rather, address them respectfully" –

Yet, despite these timeless teachings, the reality today paints a grim picture. We see elderly parents neglected, abandoned, and left in old-age homes, stripped of the dignity they deserve. It is this alarming social decay that necessitates both legal and moral intervention.

## **II. The Evolving Challenges for the Elderly or Challenges Faced**

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### **1. Breakdown of the Joint Family System:**

- The migration of younger generations to urban centers and abroad has led to the disintegration of traditional joint families.
- The elderly, once revered, are now often left behind in rural areas or confined to isolated urban homes.

### **2. Economic Vulnerability:**

- Many elderly individuals lack financial independence due to the absence of a comprehensive pension system.
- Rising costs of healthcare and daily living create additional burdens.
- Government schemes such as the National Social Assistance Programme (NSAP) aim to provide financial aid but often lack effective implementation.

### **3. Social Isolation and Emotional Neglect:**

- Urbanization and changing lifestyles have led to diminished interaction between generations.
- Loneliness and depression among senior citizens are rising concerns.
- Studies have shown that mental health issues among the elderly are often overlooked, exacerbating their suffering.

### **4. Elder Abuse and Property Exploitation:**

- Cases of financial fraud, physical abuse, and abandonment are alarmingly increasing.

- Many elderly individuals fall victim to property disputes, often at the hands of their own family members.
- According to a report by HelpAge India, nearly 50% of elders in urban India experience some form of abuse.

### **5. Gendered Challenges:**

- Widowed and single elderly women are particularly vulnerable due to social and economic dependency.
- Women often face greater neglect and abuse, lacking legal knowledge to safeguard their rights.

## **III. The Legal Framework for the Protection of Elderly Parents in India**

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The Indian legal system, recognizing the vulnerability of the elderly, has established a strong framework to safeguard their rights:

### **1. Constitutional Provisions:**

- Directive Principles of State Policy emphasize the need for social security for senior citizens.
- Article 41 of the Indian Constitution directs the state to provide public assistance for the elderly in cases of unemployment, old age, sickness, and disability.
- Article 21, which guarantees the right to life and personal liberty, has been interpreted to include the right to dignity for the elderly.

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

- Mandates children and relatives to provide for elderly parents.
- Establishes tribunals for grievance redressal.
- Provides for state-supported old-age homes and healthcare facilities.
- Section 4 imposes a legal obligation on children or relatives to provide maintenance to senior citizens.
- Section 5 allows the elderly to apply for maintenance before a tribunal, ensuring faster resolution.
- Section 23 provides that any transfer of property made by a senior citizen can be declared void if the transferee fails to provide basic amenities and care.



- Despite the provisions, enforcement remains weak due to lack of awareness and bureaucratic hurdles.

### **3. Judicial Interventions:**

- Courts have recognized the rights of the elderly to protection and maintenance.
- Landmark judgments have upheld the revocation of property transfers when elderly parents are neglected.
- In *Shanti Sarup Dewan v. UT, Chandigarh* (2013 SCC OnLine P&H 20369), the Punjab and Haryana High Court directed immediate action for the protection of senior citizens under the Act.
- In *Jayantram Vallabhdas Meswania v. Vallabhdas Govindram Meswania* (2012 SCC OnLine Guj 6281), the Gujarat High Court ruled that property given to children could be reclaimed if the parents were not taken care of.
- In ***Kirtikant D. Vadodaria v. State of Gujarat (1996)***, the Supreme Court ruled that maintenance includes emotional, financial, and physical care.
- In ***Smt. Sukhmani v. State of Punjab (2010)*** the Court reinforced the right of elderly parents to revoke property transfers if their care is neglected.

### **4. Section 125 of the Code of Criminal Procedure, 1973 & Section 144 of the BNSS, 2023**

- Parents who are unable to maintain themselves can seek financial support from their children through judicial intervention.

### **5. Personal Laws on Parental Maintenance**

- **Hindu Law:** Section 20 of the **Hindu Adoption and Maintenance Act, 1956**, mandates children to maintain their parents.
- **Muslim Law:** Under **Sharia law**, children are duty-bound to support aged parents who cannot sustain themselves.
- **Christian and Parsi Law:** These also uphold moral and legal obligations towards elderly parents.

### **6. Rights of Elderly Parents in Property and Inheritance**

- The **Hindu Succession Act, 1956**, protects elderly parents' rights in ancestral and self-acquired properties.

- **Dispossession of elderly parents** from property is a punishable offense under the Maintenance and Welfare Act. Section 9, which talks about ‘neglect’ towards parents, empowers the Tribunal to order eviction of children from the property of parents. This was laid down in Shivani Verma v. State of UP. 2023 AHC 117091 (DB)

#### **IV. Key Governmental Policies And Programs**

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The government's aim is to safeguard the elderly by encouraging their health, and well-being, and enabling them to be self-sufficient. Several policies are now accessible.

- The Union Government of India has implemented the **National Policy for Older Persons**. The National policy for older adults was implemented in 1999 to foster the well-being and welfare of elderly individuals. Ensuring safety, providing social security, and offering care. This regulation categorizes those aged 60 and above as elderly. The main objective is to promote the responsibility of families in caring for their parents and grandparents. Additionally, this policy offers resources to voluntary organizations and non- governmental organizations (NGOs) to safeguard the dignity of vulnerable elderly individuals in society. This program additionally guarantees financial stability, healthcare, nutrition, shelter, education, welfare, and the protection of life and property.
  1. The Ministry of Social Justice and Empowerment has established the **National Council for Older Persons (NCOP)** with the primary goals of advising the government on appropriate policies, providing feedback on their implementation, initiating special programs, establishing grievance cells, and securing concessions, rebates, and discounts for older individuals in both government and corporate sectors. Additionally, the NCOP aims to establish old age homes.
  2. The Ministry of Social Justice and Empowerment offers the Integrated Program for Older Persons, which gives financial assistance of around 90% of the project cost to NGOs. This funding is intended for the establishment of old-age homes, centers, and mobile Medicare units. These facilities are also provided to the Government Panchayathi raj, institutions, and Local Bodies. These institutions will provide services such as establishing Day Care centers, raising awareness about Alzheimer's and Dementia, operating Physiotherapy clinics, offering Helplines and Counseling centers, conducting Sensitizing programs, promoting awareness, and facilitating the formation of senior citizen associations.

## **V. Disturbing Statistical Reality**

- According to the National Crime Records Bureau (NCRB), cases of elder abuse have increased by 40%.
- A study by HelpAge India found that 52% of elders face neglect, with sons being the primary perpetrators in 35% of cases.
- Over 30% of India's elderly population suffers from financial insecurity despite their legal rights to maintenance.
- India Ageing Report 2023 'Caring for Our Elders: Institutional Responses' said there were 149 million persons aged 60 years and above in 2022, comprising around 10.5% of the country's population (which amounts to 14.9 crore).
- By 2050, the share of older persons will double to 20.8%, with the absolute number at 347 million (34.7 crore)

## **VI. Call to Action: Building a Society That Cares**

Law can dictate punishment, but morality dictates love. We must go beyond legal frameworks and build a society where elderly care is a natural and cherished duty. As Justice V.R. Krishna Iyer famously said, *"The soul of justice is morality; the soul of morality is humanity."*

### **1. Strengthening Intergenerational Bonds:**

- Families must cultivate a culture of respect and emotional support for the elderly.
- Educational institutions can introduce value-based learning emphasizing care for the aged.
- **OLD AGE BANKS – PERSONAL NOTE**

### **2. Community and NGO Initiatives:**

- Civil society must step in to provide companionship programs, legal aid, and caregiving support.
- Public-private partnerships can create sustainable models for elderly care.

### **3. Stronger Legal Enforcement:**

- The government must ensure stricter penalties for elder abuse and financial exploitation.
- Enhanced monitoring mechanisms should be established to oversee the welfare of the

elderly.

#### 4. **Technological Interventions:**

- Digital literacy programs for the elderly to help them access essential services and stay connected.
- Implementation of AI-driven elder care monitoring systems.

### **VII. Conclusion**

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- The elderly have spent their lives contributing to society, nurturing families, and upholding traditions. As we move forward, it is our collective duty to ensure that they live with dignity, security, and care. The framework of law, policy, and social awareness must converge to create an inclusive society that honors and safeguards its senior citizens. It is time to reaffirm our commitment to their well-being—not as a duty, but as a moral and ethical imperative. Strengthening legal mechanisms, fostering community initiatives, and promoting intergenerational responsibility will ensure that our senior citizens receive the care and respect they deserve.
- Expanding legal frameworks, investing in innovative elder care solutions, and fostering a renewed sense of familial responsibility will help create a future where aging is not a burden but a respected and cherished phase of life. Our elders deserve nothing less than a future that ensures their dignity and well-being. *The hands that once fed us should never tremble in hunger.*
- As we move forward, let us remember that taking care of our elders is not a burden—it is a privilege, a sacred trust. Laws may provide remedies, but only love can heal wounds. Let us vow today, not just as lawyers, lawmakers and Judges, but as sons and daughters, to honor our parents not just with words but with actions. *Aging parents do not seek your wealth; they seek your warmth.*
- The measure of a society's greatness is reflected in how it treats its most vulnerable. Let us build a future where no parent fears abandonment, no elderly person feels unloved, and where **respect for our elders becomes the legacy we leave behind.** *Justice for the elderly is not just a legal duty; it is a moral imperative.*
- *Parents give us life; let us give them dignity.*

**THANK YOU. JAI HIND**