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Contributions

Protection and Promotion of the Constitutional Rights of Elderly Women Living in Old Age Homes of Mumbai

Abstract

Elderly women in India face many hidden barriers that often go unnoticed low awareness about their rights, confusing bureaucratic obstacles and digital exclusion that limits their access to much needed support systems. The current approach to elder care is largely welfare-based and patriarchal, which unfortunately, overlooks the autonomy and right of elderly women to make decisions about their own lives. What's urgently needed is a shift to a rights-based model one that puts their voice at the very centre of care, especially for those living in old age homes. The challenges elderly women face is complex because they live at the intersection of age and gender. Many suffer from neglect, abuse, and systemic discrimination despite the constitutional guarantees of equality and dignity. In Mumbai, India's financial capital, a growing number of elderly women find themselves in old age homes often due to widowhood, the absence of family support, or difficult socio-economic circumstances. While the law promises protection and respect, there's very little research or data on how these rights actually play out in the lives of women living in these institutions. This article focusses on the legal framework meant to protect these women, explores their lived experiences in old age homes, identifies the gaps in how policies and programs are enforced, and makes the case for a stronger, rights-based approach. It argues that despite the schemes and laws by government, many elderly women in Mumbai's old age homes still face neglect, have limited control over their lives and remain unaware of the protections they are entitled to. The urgent call is for thoughtful policy changes, social support and legal reforms to ensure these women are not just cared for but truly protected, respected, and empowered.

Keywords: Elderly women, old age homes, constitutional rights, equality, social justice, elderly law, women's rights, Mumbai.

Introduction

India is undergoing a profound demographic transformation characterized by a rapid increase in its ageing population. According to the United Nations Population Fund (2017), the elderly are projected to constitute over 20% of the total population by 2050. This demographic shift carries significant social, economic and policy implications, particularly concerning the well-being of elderly women who represent one of the most vulnerable groups within the ageing population. Gender-based inequalities, socio-economic dependence and longer life expectancy combine to create a complex matrix of disadvantage for older women in India (National Commission for Women, 2021). Many of these women find themselves living alone or in institutional care settings

due to factors such as widowhood, neglect or lack of familial support (HelpAge India, 2020). While the establishment of old age homes provides an aspect of security and care, the lived realities of women residing in these institutions often reveal deep-rooted issues of isolation, deprivation, and indignity. These experiences not only highlight the inadequacies in the institutional care system but also raise fundamental questions about the protection and realization of their constitutional rights (Burholt et al., 2022; Agewell Foundation, 2013).

The Feminization of Ageing in India

Ageing in India is increasingly being feminized. With women generally outliving men, a higher proportion of the elderly population consists of women, many of whom are widowed and economically dependent. Data from the Ministry of Statistics and Programme Implementation (2021) indicate that elderly women, particularly in cities like Mumbai, face multidimensional vulnerabilities due to the intersection of gender, age and socio-economic status. These vulnerabilities are compounded by traditional patriarchal norms that have historically limited women's access to education, inheritance and employment opportunities. In many families, elderly women are perceived as non-productive or burdensome, especially when they lack an independent income or property ownership. Widowhood makes this condition worse, resulting in social isolation and emotional distress. According to HelpAge India (2023), a substantial number of elderly women are either abandoned or compelled to move into institutional care due to neglect, abuse, or lack of familial support. In urban areas such as Mumbai where migration, nuclear family structures, and rising living costs have eroded traditional caregiving systems old age homes have become a refuge for many elderly women. However, residing in an old age home does not necessarily translate into a dignified or fulfilling life. Studies show that many elderly women in such institutions face loneliness, emotional neglect, and inadequate access to healthcare and recreational activities (Burholt et al., 2022). Their voices and choices are often marginalized within the institutional framework, reflecting broader societal attitudes toward ageing and gender (Agewell Foundation, 2013).

Socio-Economic and Cultural Determinants of Institutionalization of Women

The necessity for elderly women to live in old age homes is shaped by multiple interrelated factors. One of the most significant is the death of a spouse, which not only creates emotional voids but also leads to economic instability. In traditional Indian households, men have historically been the primary earners and property holders. Consequently, the death of a husband often leaves women without adequate financial resources or decision-making power. The migration of children for education or employment further weakens intergenerational support systems. The breakdown of joint family structures, once the cornerstone of Indian social organization, has also reduced the availability of informal care for the elderly. Urbanization, modernization, and changing value systems have redefined familial responsibilities, leading to a shift from collective caregiving to individualized living arrangements. Poverty, abuse and declining physical or mental health are additional drivers that push elderly women toward institutional care (HelpAge India, 2023).

Despite these challenges, institutional care remains uneven in quality and accessibility. Many old age homes in India operate with limited financial resources, inadequate staff, and minimal government oversight. Public old age homes often struggle with overcrowding and lack of infrastructure, while private facilities may charge fees that are unaffordable for most elderly women, particularly those without family support or pensions. These disparities in access and quality underscore the urgent need for policy interventions that align with constitutional guarantees.

Methodology

The present study focuses on Mumbai as the research area, targeting elderly women residing in old age homes across the city. To capture a comprehensive understanding of their living conditions, old age homes located in Mumbai city, western suburbs, eastern suburbs, and harbour suburbs were included in the study. These institutions varied in the nature of care provided, encompassing paid services, free services, and partially subsidized facilities. Primary data were collected through in-depth interviews conducted with elderly women from 15 purposively selected old age homes in Mumbai. A purposive random sampling technique was employed to select participants based on their willingness to participate in the study. A total of 63 women inmates were interviewed using a structured questionnaire designed specifically to address the objectives of the study, thereby facilitating a detailed exploration of their experiences, living conditions within these old age homes and about their rights and dignity.

Findings

Challenges Faced by Elderly Women in Old Age Homes of Mumbai

Elderly women residing in old age homes in Mumbai face a unique set of interlinked challenges that reflect broader issues of gender, age, and socio-economic marginalization. Many of these women have experienced lifelong financial dependence, widowhood, or abandonment, and enter institutional care with little to no personal savings or family support. In these homes, they often encounter inadequate infrastructure, overcrowding limited privacy, and insufficient access to gender-sensitive healthcare and mental health services. The lack of trained staff, especially in addressing the specific physical and emotional needs of older women, further increases their vulnerability. Additionally, bureaucratic barriers and digital exclusion prevent many from accessing government welfare schemes, pensions, and legal remedies. Legal illiteracy is common, leaving them unaware of their rights under laws like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Ministry of Law and Justice, 2007). Social isolation, combined with a sense of powerlessness and institutional neglect, undermines their dignity and autonomy. These challenges are compounded by the absence of effective monitoring mechanisms and the limited implementation of state-level regulatory norms (TISS, 2024). As Mumbai's elderly population grows, addressing these issues is crucial to ensuring that old age homes function not as spaces of confinement, but as environments that uphold the constitutional promise of equality, dignity, and care for all citizens, regardless of age or gender. There are certain constitutional safeguards and legal provisions for elderly provided by the government of India for the protection of elderly rights.

Constitutional Safeguards and Legal Provisions for Elderly Women

The Constitution of India provides a strong legal foundation for the protection of the rights and dignity of all citizens, including elderly women. Article 14 guarantees equality before the law and equal protection of the laws within the territory of India. Article 15 further prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, thereby safeguarding elderly women from gender-based discrimination (Constitution of India, 1950). Article 21, one of the most judicially interpreted provisions, guarantees the right to life and personal liberty. The Supreme Court of India has consistently expanded this right to include the right to live with dignity, adequate nutrition, shelter, and healthcare.

The Directive Principles of State Policy (DPSPs) further reinforce the moral and constitutional obligation of the State toward vulnerable citizens. Article 41 directs the State to provide public assistance in cases of old age, sickness and disablement, subject to economic capacity. Article 46 calls upon the State to promote the educational and economic interests of weaker sections, including women and the elderly. These principles have guided the creation of welfare policies such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Ministry of Law and Justice, 2007). Under this Act, adult children and heirs are legally obligated to provide maintenance to elderly parents. It also mandates the establishment of old age homes at the district level for indigent senior citizens. However, implementation remains inconsistent. Reports from the Ministry of Social Justice and Empowerment (2022) highlight persistent gaps in awareness, funding, and monitoring resulting in limited impact on the ground.

Policies such as the National Policy on Older Persons (NPOP, 1999) and the Maintenance and Welfare of Parents and Senior Citizens Rules (2011) were framed to operationalize these constitutional ideals. The NPOP emphasizes the State's role in ensuring financial security, healthcare, and shelter for older persons, while promoting the concept of active ageing. Yet, these frameworks often remain aspirational due to inadequate institutional capacity and societal attitudes that undervalue the elderly, particularly women. In the context of Mumbai, where old age homes accommodate a growing number of elderly women, policy implementation faces additional urban challenges space constraints, unequal access to healthcare, and social fragmentation. Research by the Tata Institute of Social Sciences (2020) found that many old age homes in Mumbai operate without proper licensing or regulation, leading to disparities in service quality and neglect of residents' rights. These findings underscore the need to integrate constitutional values into practical governance and institutional frameworks.

The discourse on elderly women's rights extends beyond constitutional law into the broader framework of human rights and gender justice. International instruments such as the Madrid International Plan of Action on Ageing (2002) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) urge states to ensure social protection, healthcare, and equality for older women. As a signatory, India bears a moral and legal responsibility to align domestic policies with these commitments. However, translating these commitments into meaningful action always remains challenging in our country. Institutional care

facilities often lack gender-sensitive approaches that recognize the specific needs of elderly women, such as health concerns, trauma recovery, and psychosocial support. Many women experience a loss of agency within such institutions, with little say in daily routines, diet, or recreational activities. These conditions stand in contrast to the constitutional promise of dignity and equality. There are certain policies, acts and schemes of the government for protecting the rights and dignity of elderly including elderly women.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007

This law mandates that children or relatives provide maintenance to senior citizens and empowers the State to establish old age homes. However, enforcement remains weak due to lack of awareness and institutional bottlenecks.

Protection of Women from Domestic Violence Act, 2005

This act extends protection to elderly women facing abuse within domestic environments, though its applicability in institutional settings remains limited.

National Policy for Senior Citizens (2011)

This policy emphasizes financial security, healthcare, and shelter for older persons, with a special focus on elderly women. However, implementation has been inconsistent, and many states have not adopted the policy comprehensively.

Indira Gandhi National Old Age Pension Scheme (IGNOAPS)

The Indira Gandhi National Old Age Pension Scheme (IGNOAPS) is a key social security initiative under the umbrella of India's National Social Assistance Programme (NSAP). Launched in 1995, the scheme aims to provide financial support to elderly individuals who live below the poverty line and have no reliable means of income or family support.

Rashtriya Vayoshri Yojana

The Rashtriya Vayoshri Yojana (RVY) is a government scheme in India aimed at improving the quality of life of senior citizens by providing them with assistive living devices to help them maintain dignity, mobility, and independence in daily life.

Varishtha Pension Bima Yojana

The Varishtha Pension Bima Yojana (VPBY) is a government-backed pension scheme designed specifically for senior citizens in India. It aims to provide them with a guaranteed income during their retirement years through an assured pension, thereby ensuring financial security and stability in old age.

Role of Civil Society and NGOs

Civil society organizations and NGOs play a vital role in translating constitutional rights equality (Article 14), non-discrimination (Article 15), and the right to life with dignity (Article 21) into real benefits for elderly women. Despite constitutional and legal protections, many older women face

poverty, widowhood, and neglect, making NGO involvement essential. Groups like HelpAge India, Agewell Foundation, and Dignity Foundation advocate for gender-sensitive policies, raise awareness about elder abuse, and influence reforms in pension, healthcare, and property rights. Beyond advocacy, NGOs deliver direct services such as old age homes, mobile healthcare units, and helplines, providing food, shelter, and emotional support, thus ensuring dignity in old age. They also empower elderly women through legal and financial literacy programs, helping them claim entitlements under laws like the Maintenance and Welfare of Parents and Senior Citizens Act (2007). Through research and monitoring, civil society acts as a watchdog, exposing gaps in government programs and holding authorities accountable, fulfilling the Directive Principle under Article 41. Moreover, NGOs challenge social stigma through awareness and intergenerational initiatives, promoting respect and inclusion for older women. Aligned with global commitments like CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women, 1979) and the Madrid Plan of Action on Ageing (2002), these organizations transform constitutional ideals into everyday justice. By combining advocacy, service, empowerment, and accountability, civil society ensures that elderly women live with dignity, independence, and equality as empowered citizens rather than dependents.

Conclusion

India's Constitution enshrines the principles of equality, dignity, and non-discrimination as fundamental rights through Articles 14, 15, and 21, establishing a strong legal foundation for protecting the rights of elderly women. However, despite this constitutional assurance, the lived realities of many elderly women especially those residing in old age homes remain distant from these ideals. India's rapidly ageing population, coupled with structural gender inequalities, has created a vulnerable demographic of elderly women who face neglect, marginalization, and invisibility. Laws such as the Maintenance and Welfare of Parents and Senior Citizens Act (2007) and welfare schemes aimed at supporting older citizens have been instituted, yet their implementation remains weak and inconsistent. Reports from HelpAge India (2023) and Agewell Foundation (2013) reveal that institutional care settings, which are meant to offer safety and comfort, often become spaces of deprivation marked by emotional neglect, inadequate healthcare, poor nutrition, and lack of autonomy. Many homes operate with limited oversight, overcrowding, and insufficient funding, leaving residents most of whom are widows or abandoned women struggling with dependency and isolation. These realities stand in stark contradiction to Article 21 of the Constitution, which the Supreme Court of India (2018) has interpreted to encompass the right to live with dignity, health, and emotional well-being. The persistence of these violations exposes a troubling gap between constitutional promises and their realization on the ground.

The vulnerabilities of elderly women are rooted in lifelong gender-based inequalities. Throughout their lives, women often experience limited access to education, employment, and property ownership, which translates into economic dependence and insecurity in later years. The National Commission for Women (2021) and the United Nations Population Fund (2017) highlight the "feminization of ageing," where women not only outlive men but also endure longer periods of financial hardship, social isolation, and ill health. Many elderly women spent their lives in unpaid caregiving roles, which while vital to families and society are unrecognized and unrewarded within formal economic systems. Consequently, they enter old age without pensions or savings and

become dependent on family members for survival. When traditional family structures collapse due to urbanization, migration, or changing social norms, these women are left destitute and often have no choice but to enter institutional care. Cities like Mumbai illustrate this transformation, as the weakening of the joint family system and rising cost of living have reduced intergenerational co-residence, pushing elderly women into old age homes that are frequently unregulated and understaffed (TISS, 2020). Within these spaces, the cycle of gendered marginalization continues as women lose both independence and social identity. Their exclusion from decisions about their own healthcare, food, or daily routines reflects not only institutional neglect but also a broader societal failure to recognize them as rights-bearing individuals.

One of the most pressing challenges is the lack of awareness among elderly women regarding their legal entitlements. Many are unaware of the protections provided under the Maintenance and Welfare of Parents and Senior Citizens Act (2007), as well as pension and healthcare schemes available to them. Bureaucratic complexity, illiteracy, and physical frailty often prevent them from accessing support. Consequently, there exists a wide gap between entitlement and accessibility a silent denial of rights through systemic inefficiency. Government institutions responsible for elder welfare, social justice, and women's empowerment often operate in isolation, leading to fragmented policy responses. Without proactive legal literacy programs and outreach initiatives, the constitutional promise of equality and dignity remains largely symbolic. Moreover, societal attitudes that view elderly women as dependents rather than active citizens reinforce paternalistic models of care, reducing elder welfare to charity rather than empowerment.

To align practice with constitutional ideals, India must adopt a rights-based and gender-sensitive approach to ageing. Elderly women should be recognized as autonomous individuals entitled to make choices about their lives, health, and living conditions. Strengthening the regulatory framework of old age homes is critical to ensuring basic standards of care, accountability, and transparency. Regular inspections, mandatory licensing, and grievance redressal mechanisms should be implemented to safeguard residents from neglect and abuse. Gender-sensitive care practices, including access to female healthcare providers and counsellors, are essential for ensuring comfort and dignity. Beyond institutional settings, community-based elder care models and intergenerational programs can play a transformative role by reconnecting older women with society and restoring a sense of belonging. Policymaking should also be participatory incorporating the voices of elderly women through resident councils, advisory boards, and public consultations. This participatory approach not only reflects democratic ideals but also resonates with global frameworks such as the Madrid International Plan of Action on Ageing (2002) and CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) (1979), which emphasize empowerment, inclusion, and active citizenship for elderly women.

Ultimately, the plight of elderly women in India's old age homes reveals a deep contradiction between the country's constitutional ideals and its social realities. Laws exist to protect them, but their enforcement is inconsistent. Policies proclaim dignity, yet many continue to live in indignity. Bridging this gap requires more than administrative reform it demands a cultural and moral awakening that places empathy, respect, and human dignity at the centre of elder care. India's progress as a democracy cannot be measured solely by economic growth or modernization but by how it treats its most vulnerable citizens. Ensuring that elderly women live with dignity, safety, and autonomy is not merely a constitutional duty but a reflection of the nation's humanity. When

old age homes become spaces of comfort and participation rather than confinement, and when every elderly woman is able to live as a respected and empowered citizen, India will truly fulfil the spirit of Articles 14, 15, and 21. Protecting and uplifting elderly women is therefore not just a policy priority it is a moral imperative and a testament to the nation's enduring commitment to justice, equality, and human dignity for all.

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Brief Bio

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