Up to 3 years' jail for abandoning or ill-treating elders: Kerala Assembly unanimously passes Senior Citizens Bill

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News

The 'Keralam Senior Citizens (Care and Protection of Rights) Bill, 2026' ('Vayojana Bill'), introduced in the Assembly by Kerala Chief Minister V.D. Satheesan on 13 Oct 2026, was passed unanimously on 26 Oct 2026. It provides up to 3 years' imprisonment and a fine of up to ₹50,000 for abandoning a senior citizen without consent, cruelty by family members or caregivers (including physical or mental abuse and forcing an elder out of home) and misappropriating their property. It also mandates caregiver training and certification, police verification and recognises the 'living will'. It becomes law after the Governor's assent.

Key facts

Introduced / passed	13 Oct 2026 (CM V.D. Satheesan) / 26 Oct 2026 – unanimously
Penalty	Abandonment, cruelty, property misappropriation – up to 3 years and ₹50,000 fine; unregistered care home – 1 year, ₹25,000
Guiding principles	Dignity, best interests, ageing in place, safety, independence, participation in decisions

Caregivers	Mandatory training and certification, police verification, public register; compulsory registration of care centres
Bodies	State / district Senior Citizen Protection Units; abuse to be reported within 48 hours; special cells in cyber police stations
Others	Living will (advance medical directive) recognised; home-based care preferred

Background

- Central law: Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Ministry of Social Justice & Empowerment) – Indian citizens aged 60+ are 'senior citizens'. A Maintenance Tribunal for each sub-division (presided by an officer not below Sub-Divisional Officer; Sec 7); Appellate Tribunal (District Magistrate rank; Sec 15). Maintenance up to ₹10,000 a month (Sec 9); lawyers barred before Tribunals (Sec 17); at least one old-age home per district (Sec 19).
- Penalty comparison: under Sec 24 of the 2007 Act, abandoning a senior citizen attracts up to 3 months' jail or ₹5,000 fine or both; the Kerala Bill raises it to 3 years / ₹50,000. Sec 23 – if a property transferred on condition of maintenance is not followed by maintenance, the transfer can be declared void as obtained by fraud.
- Constitution: public assistance in old age – Directive Principle, Article 41. Living will – in 'Common Cause v. Union of India' (2018) the Supreme Court held the right to die with dignity part of Article 21 and recognised passive euthanasia and living wills.
- Social context: as per the SRS Statistical Report 2023, Kerala has the highest share of population aged 60+. National elderly helpline 'Elderline' – 14567.

Tamil Nadu link: in Tamil Nadu, maintenance petitions under the 2007 Act are heard by Revenue Divisional Officers (RDOs) as Maintenance Tribunals, with appeals to the District Collector. Madras High Court rulings on Section 23 differ: in 'Mohamed Dayan v. District Collector' (2023, Justice S.M. Subramaniam) 'love and affection' was treated as an implied condition of a settlement deed, while in 'Dr A. Panner v. District Collector' (2026) the court held a deed can be cancelled only if the maintenance condition is expressly stated.

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