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**TECHNOLOGY, SURVEILLANCE, AND ELDER ABUSE: LEGAL
IMPLICATIONS IN THE DIGITAL AGE IN INDIA**

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Abstract

“This research article examines the intricate relationship between technology, surveillance, and elder abuse in India, analysing its legal implications in the digital age. Structured across six sections, the study provides a comprehensive exploration of how digital tools both exacerbate and mitigate elder abuse. Section 2 investigates the nexus between technology and elder abuse, highlighting how digital platforms can enable financial exploitation, emotional abuse, and privacy violations, while also offering solutions like monitoring systems for elder safety. Section 3 identifies critical challenges, including inadequate legal protections, privacy infringements, and the vulnerability of elderly individuals to technology-driven abuse. Section 4 evaluates existing Indian laws, such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and their limitations in addressing technology-related elder abuse. Section 5 analyses the role of Indian courts, particularly the Supreme Court, in shaping legal responses through landmark judgments that address privacy, financial fraud, and elder rights. By integrating legal analysis with empirical data, the article underscores gaps in current frameworks and proposes reforms. Section 6 concludes with actionable recommendations for policymakers, legal practitioners, and stakeholders to enhance protections for the elderly, including stronger data privacy laws, technology-specific regulations, and awareness campaigns. This study contributes to the discourse on elder rights and digital governance in India, advocating for a balanced approach to leveraging technology while safeguarding the dignity and security of the elderly in an increasingly digital society.”

Keywords: Elder Abuse, Technology, Surveillance, Legal Implications, Digital Governance

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I. Introduction

The rapid advancement of digital technologies has transformed nearly every facet of human life, from communication and healthcare to financial management and social interaction. In India, a country with a burgeoning digital economy projected to reach \$1 trillion by 2030, the integration of technology into daily life has brought unprecedented opportunities and challenges.² Among these challenges, the intersection of technology, surveillance, and elder abuse has emerged as a critical area of concern, particularly from a legal perspective. Elder abuse, traditionally understood as physical, emotional, or financial mistreatment of older adults, has taken on new dimensions in the digital age. The proliferation of surveillance technologies, such as closed-circuit television (CCTV) cameras, biometric systems, and internet-enabled devices, has introduced novel mechanisms for both perpetrating and detecting elder abuse.³ While these technologies can enhance the safety and care of elderly individuals, they also pose significant risks, including privacy violations, data exploitation, and technology-facilitated abuse. In India, where the elderly population is projected to reach 194 million by 2031⁴, the legal framework must evolve to address these emerging threats while balancing individual rights and societal interests.

Elder abuse in India is a multifaceted issue rooted in cultural, social, and economic dynamics. Traditionally, Indian society has revered its elderly, with multigenerational households providing a support system for older adults.⁵ However, rapid urbanisation, nuclear family structures, and economic pressures have eroded these traditional safeguards, leaving many elderly individuals vulnerable to neglect, exploitation, and abuse.⁶ The advent of digital technologies has further complicated this landscape. For instance, financial scams targeting the elderly through phishing emails, fraudulent apps, or unauthorised access to bank accounts have surged, with the Reserve Bank of India reporting a 25% increase in cyber fraud cases

²Available at <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2097125>.

³Beach, S. R. (2017). The Role of Technology in Elder Abuse Research. *Elder Abuse: Research, Practice and Policy*, 201-214.

⁴ Sharma, H.L. & Lal, Shyam. (2024). Ensuring Dignity in Old Age: A Pathway to Social Security for Senior Citizens.

⁵Shah, G., Veeton, R., & Vasi, S. (2013). Elder abuse in India. *Elder Abuse*, 101-118.

⁶Seth, N., Yadav, A., Adichwal, N. K., & Kamble, S. B. (2019). Elder abuse and its association with socio-demographic variables in India. *Clinical epidemiology and global health*, 7(2), 188-191.

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between 2020 and 2023.⁷ Similarly, surveillance tools, such as home monitoring systems and GPS trackers, intended to ensure elderly safety, have been misused to invade privacy or exert control. The absence of comprehensive data protection laws and inadequate legal safeguards exacerbate these vulnerabilities, raising questions about the adequacy of India's legal framework in addressing technology-driven elder abuse.⁸

This research article is structured into six sections to provide a comprehensive analysis of the legal implications of technology, surveillance, and elder abuse in India. Section 2 examines the nexus between technology and elder abuse, exploring how digital tools facilitate both abuse and prevention. Section 3 identifies key issues, including privacy violations, financial exploitation, and gaps in legal protections. Section 4 reviews existing laws related to elder abuse and technology-driven abuse, with a focus on their limitations. Section 5 analyses the role of Indian courts, particularly the Supreme Court, in addressing these issues through landmark judgments. Finally, Section 6 offers conclusions and actionable suggestions for policymakers, legal practitioners, and stakeholders to strengthen protections for the elderly in the digital age. By integrating legal analysis with empirical data, this article seeks to contribute to the discourse on elder rights and digital governance in India.

II. Technology, Surveillance, and Elder Abuse

The integration of technology into elder care has revolutionised how society monitors, supports, and interacts with older adults. In India, technologies such as telemedicine, wearable health devices, and smart home systems have enhanced the quality of life for many elderly individuals, enabling remote healthcare, fall detection, and real-time monitoring.⁹ For instance, wearable devices like smartwatches can track vital signs and alert caregivers to medical emergencies, while CCTV systems in homes and care facilities provide a sense of security. However, these same technologies can be weaponised to perpetrate elder abuse. Surveillance tools, originally designed for safety, can be misused to monitor elderly individuals excessively, eroding their autonomy and dignity. A 2022 study by HelpAge India found that 15% of elderly respondents reported feeling “watched” or “controlled” by family

⁷Ministry of Home Affairs, Available at <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2003158>.

⁸Shah, G., Veeton, R., & Vasi, S. (2013). Elder abuse in India. *Elder Abuse*, 101-118.

⁹Beach, S. R. (2017). The Role of Technology in Elder Abuse Research. *Elder Abuse: Research, Practice and Policy*, 201-214.

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members using home surveillance systems.¹⁰ This dual nature of technology—its potential to both protect and harm—underscores the need for a legal framework that balances its benefits with the risks of abuse.

Technology-driven elder abuse manifests in various forms, including financial exploitation, emotional abuse, and privacy violations. Financial abuse is particularly prevalent, with cyber frauds targeting the elderly on the rise. The National Crime Records Bureau (NCRB) reported a 30% increase in cybercrimes against senior citizens between 2019 and 2023, with phishing scams, fake investment schemes, and unauthorized bank transactions being the most common. Elderly individuals, often less familiar with digital platforms, are vulnerable to scams that exploit their trust, such as fraudulent emails posing as bank communications or fake tech support calls.¹¹ Emotional abuse through technology includes cyberbullying or harassment via social media, where elderly individuals may be targeted with derogatory messages or manipulated into sharing personal information. Surveillance technologies, such as hidden cameras or GPS trackers, can also be used to exert control, with family members or caregivers monitoring every move of an elderly person without their consent.¹² These actions not only violate privacy but also undermine the dignity and autonomy guaranteed under Article 21 of the Indian Constitution.

Surveillance technologies, such as CCTV cameras, facial recognition systems, and biometric databases like Aadhaar, have become ubiquitous in India. Delhi, ranked first globally for CCTV density with 1,826.6 cameras per square mile, exemplifies the extent of surveillance in urban areas.¹³ While these systems are often justified for public safety, their use in private settings, such as homes or care facilities, raises significant concerns for the elderly. For instance, hidden cameras installed by family members to monitor elderly relatives can lead to feelings of mistrust and loss of autonomy. In some cases, such surveillance has been linked to emotional abuse, where recordings are used to shame or coerce elderly individuals.¹⁴

¹⁰Available at <https://www.helpageindia.org/documents/research/research-reports#unlock>.

¹¹Sixsmith, A. (2017). SURVEILLANCE TECHNOLOGY IN ELDER CARE: SOME THEORETICAL OBSERVATIONS ABOUT OBSERVATION. *Innovation in Aging*, 1(suppl_1), 725-725.

¹²Kenner, A. M. (2008). Securing the elderly body: Dementia, surveillance, and the politics of "aging in place". *Surveillance & Society*, 5(3).

¹³Kumar, A., Kashyap, H., Malhotra, H., Rawat, K., Kumar, G., & Soni, U. (2019, August). Preferential selection of locations for installing CCTV using fuzzy TOPSIS approach: a case study for North Delhi. In *2019 Twelfth International Conference on Contemporary Computing (IC3)* (pp. 1-7). IEEE.

¹⁴Carver, L. F., & Mackinnon, D. (2020). Health applications of gerontechnology, privacy, and surveillance: a scoping review. *Surveillance & Society*, 18(2), 216-230.

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Moreover, the Aadhaar system, which collects biometric data from over 1.3 billion Indians, has been criticised for its potential to facilitate surveillance and data breaches. A 2018 data leak exposed the personal details of millions of Aadhaar users, including elderly individuals, increasing their vulnerability to identity theft and financial fraud.¹⁵ These incidents highlight the intersection of surveillance and elder abuse, necessitating robust legal protections.

Social media platforms and digital communication tools have also emerged as double-edged swords in the context of elder abuse. On one hand, platforms like WhatsApp and Facebook enable elderly individuals to stay connected with family and friends, combating social isolation. On the other hand, these platforms expose them to risks such as cyberbullying, misinformation, and data exploitation. The 2021 WhatsApp policy update controversy, which raised concerns about data sharing with third parties, underscored the vulnerability of elderly users who may not fully understand privacy policies. Additionally, social media analytics tools, such as the Advanced Application for Social Media Analytics (AASMA) used by government agencies, can monitor user activity, potentially chilling free expression and invading privacy. For elderly individuals, who may rely on younger family members to navigate these platforms, the risk of manipulation or coercion is particularly high. These dynamics illustrate the complex interplay between technology, surveillance, and elder abuse, requiring a nuanced legal response.

III. Issues and Challenges in Technology-Driven Elder Abuse

One of the most pressing issues in technology-driven elder abuse is the violation of privacy through surveillance. The Supreme Court's ruling in *K.S. Puttaswamy v. Union of India*¹⁶ established privacy as a fundamental right, emphasising that any infringement must meet the tests of legality, necessity, and proportionality.¹⁷ However, the pervasive use of surveillance technologies in homes and care facilities often fails to meet these standards. For example, elderly individuals in care homes have reported being monitored without their consent, with cameras installed in private spaces like bedrooms and bathrooms. Such practices not only violate privacy but also contribute to emotional distress and a sense of helplessness. The lack of clear guidelines on the use of surveillance in private settings

¹⁵ Economic Times, Available at <https://m.economictimes.com/tech/technology/aadhar-data-leak-personal-data-of-81-5-crore-indians-on-sale-on-dark-web-report/articleshow/104856898.cms>.

¹⁶ (2017) 10 SCC 1

¹⁷ *Ibid.*

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exacerbates these issues, leaving elderly individuals with little recourse against intrusive monitoring.

Financial exploitation is another critical issue, driven by the elderly's increasing reliance on digital banking and online services. The Reserve Bank of India reported that senior citizens accounted for 20% of cyber fraud victims in 2022, with losses exceeding 500 crores. Scammers exploit the elderly's limited digital literacy through tactics like phishing emails, fake investment apps, and impersonation scams. For instance, a 2023 case in Mumbai involved an elderly couple losing 2 crores to a fraudulent trading app promoted through social media. The absence of stringent regulations on digital platforms and inadequate consumer protection mechanisms leaves elderly individuals vulnerable to such exploitation. Moreover, the linking of Aadhaar with bank accounts, mandated in some cases, has raised concerns about data security, with breaches exposing sensitive financial information.

The current legal framework in India is ill-equipped to address technology-driven elder abuse. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, focuses primarily on physical and emotional abuse within families, with no provisions for digital or surveillance-related abuse.¹⁸ Similarly, the Information Technology Act, 2000, while addressing cybercrimes, lacks specific measures to protect vulnerable populations like the elderly. The Digital Personal Data Protection (DPDP) Act, 2023, is a step toward safeguarding personal data, but its broad exemptions for government agencies raise concerns about unchecked surveillance. Furthermore, the lack of a dedicated oversight mechanism for surveillance technologies in private settings leaves elderly individuals exposed to abuse by family members, caregivers, or third parties. These gaps highlight the urgent need for targeted legislation to address the unique challenges of technology-driven elder abuse.

Social and cultural factors compound the issues of technology-driven elder abuse in India. The erosion of multigenerational households has left many elderly individuals dependent on technology for communication and care, increasing their exposure to digital risks. Additionally, societal attitudes that view the elderly as less capable of navigating technology can lead to exploitation by family members or caregivers who assume control over their digital assets. For example, cases have been reported where younger relatives misuse elderly individuals' bank accounts or social media profiles under the guise of

¹⁸ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

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“assistance”. The stigma surrounding elder abuse also discourages victims from reporting incidents, particularly when the perpetrators are family members. These socio-cultural dynamics underscore the need for legal interventions that account for the unique vulnerabilities of elderly individuals in the digital age.

IV. Laws Related to Elder Abuse and Technology-Driven Elder Abuse in India

Elder abuse, a pervasive issue in India, encompasses a range of harmful acts directed at individuals aged 60 and above, including physical, emotional, financial, sexual abuse, and neglect. With India's elderly population projected to reach 340 million by 2050, the urgency to address elder abuse has intensified, particularly in light of evolving societal structures and the rise of technology-driven abuse. Despite cultural reverence for elders, surveys indicate that approximately 71% of senior citizens in India face some form of mistreatment, often from family members, highlighting a significant societal challenge. The legal framework in India, designed to protect senior citizens, is rooted in constitutional provisions, statutory laws, and judicial interventions, yet gaps in enforcement and awareness persist. Additionally, the advent of technology has introduced new dimensions of elder abuse, such as cyber fraud, online scams, and digital manipulation, which the existing legal system struggles to address comprehensively. This essay explores the legal provisions addressing elder abuse in India, delves into the emerging issue of technology-driven elder abuse, and examines relevant case laws, rules, and sections to provide a holistic understanding of the protections available and the challenges that remain.

The Constitution of India lays a foundational framework for protecting the rights of senior citizens through its Directive Principles of State Policy.¹⁹ Article 41 mandates that the State, within its economic capacity, make effective provisions for public assistance in cases of old age, sickness, and disablement.²⁰ This constitutional obligation underscores the State's responsibility to ensure the dignity and well-being of the elderly. Similarly, Article 46 emphasises the protection of the educational and economic rights of vulnerable groups,

¹⁹Constitution of India, Part IV.

²⁰*Id* at Art. 41.

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including the elderly.²¹ These provisions, while not directly enforceable, guide legislative efforts to safeguard senior citizens. The most significant legislative measure in this regard is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007²², which serves as a cornerstone for addressing elder abuse. The Act defines²³ a senior citizen as any Indian citizen aged 60 or above and establishes a legal framework to ensure their financial security, healthcare access, and protection from abuse and neglect. Under Section 4, the Act imposes a legal obligation on children and specified relatives to provide maintenance, encompassing food, clothing, residence, and medical care, to ensure a dignified life for senior citizens unable to support themselves.²⁴ Section 5 allows elderly individuals to file applications for maintenance, with tribunals empowered to order monthly allowances up to ₹10,000.²⁵ The Act also addresses property rights under Section 23, enabling senior citizens to revoke property transfers if the transferee fails to provide basic amenities or physical needs.²⁶ In the case of *Promil Tomar and Ors. v. State of Haryana and Ors.*²⁷, the Punjab and Haryana High Court upheld a tribunal's decision to declare a property transfer void due to the son and daughter-in-law's failure to provide care, reinforcing the Act's protective mechanisms. Furthermore, Section 24 of the MWPSA Act criminalises the abandonment of senior citizens, prescribing penalties of up to three months' imprisonment, a fine of ₹5,000, or both, making such offences cognizable to facilitate complaints by third parties on behalf of the elderly.²⁸

The Hindu Adoption and Maintenance Act, 1956, under Section 20, mandates that Hindu children, both sons and daughters, provide maintenance to their elderly parents if they are unable to support themselves.²⁹ This obligation is mirrored in personal laws for other religious communities, such as Muslim, Christian, and Parsi laws, ensuring a broad applicability of maintenance rights. The Code of Criminal Procedure, 1973 (CrPC), under Section 133, I think this is a great step towards ensuring economic security for elders across religious lines. It's like a safety net that says, "Hey, no matter your faith, your kids have a duty to look after you if you can't manage on your own." But let's be real—enforcing

²¹*Id* at Art. 46.

²² Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Hereinafter as MWPSA Act).

²³*Id* at Sec. 2(h).

²⁴ Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Sec. 04.

²⁵*Id* at Sec. 05.

²⁶*Id* at Sec. 23.

²⁷ RA-61-2014 IN CWP-20072-2013 (O&M).

²⁸ Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Sec. 24.

²⁹ The Hindu Adoption and Maintenance Act, 1956, Sec. 20.

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this can be a nightmare. Families can be messy, and dragging your own kids to court over maintenance feels like airing dirty laundry in public. Plus, the process can be slow, and many elderly folks might not have the energy or resources to navigate the legal system. Still, having these laws on the books is a solid foundation, even if the execution needs some serious work.¹²⁵, further extends maintenance rights to parents, enabling them to claim support from children with sufficient means, regardless of religion. This secular provision ensures that elderly parents neglected by their children have legal recourse. The Bhartiya Nagarik Suraksha Sanhita, 2023, strengthens these protections by imposing penalties, including imprisonment for up to one month, for non-compliance with maintenance orders, emphasizing the seriousness of neglecting elderly parents. Judicial interventions have further clarified these obligations. In *Santosh Surendra Patil v. Surendra Narasgopnda Patil*³⁰, the court affirmed the legal duty of children to care for their parents, directing state governments to act as guardians for senior citizens. Similarly, in *Sunny Paul & Anr. v. State NCT of Delhi & Ors*³¹, the Delhi High Court ruled that children who abuse their parents while residing in their property can be evicted, providing a significant deterrent against abuse.

Despite these robust legal provisions, elder abuse remains a significant issue, exacerbated by societal shifts such as the disintegration of joint family structures and increasing nuclear family norms. The National Crime Records Bureau reported an 18.3% incidence of crimes against senior citizens in 2014, with states like Maharashtra, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh recording high rates. Physical abuse, emotional abuse, and neglect are prevalent, with neglect constituting over half of reported cases. Emotional abuse, including humiliation, isolation, and scapegoating, often goes unreported due to social stigma and the elderly's dependence on family members. The case of *Anil Kumar Dhiman v. State of Haryana*³² poignantly highlighted the emotional toll of elder abuse, with the Punjab and Haryana High Court noting the "untold sorrows and miseries" faced by parents harassed by their children. The judiciary's proactive stance, as seen in *Ashwani Kumar v. Union of India*³³, where the Supreme Court directed the provision of pensions, medical supplies, and essential goods to elderly individuals during the COVID-19 pandemic, underscores the need for swift and effective interventions. However, the pendency of 62,076 cases involving

³⁰ Criminal Writ Petition No. 1791 of 2016.

³¹ 2017 Law Suit (Del) 978.

³² CRWP-1357-2019.

³³ (2019) 12 SCR 30.

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elderly victims in 2019, with an 88% pendency rate, indicates systemic challenges in delivering timely justice.

The rise of technology has introduced a new dimension to elder abuse, with technology-driven elder abuse emerging as a significant concern. As India undergoes rapid digitalisation, with over 800 million internet users by 2025, senior citizens are increasingly exposed to cyber threats. Technology-driven elder abuse includes online financial scams, phishing attacks, identity theft, and digital manipulation, often targeting the elderly due to their limited technological literacy and vulnerability. For instance, scammers may impersonate trusted entities to extract sensitive information or funds, exploiting the elderly's trust. The *HelpAge India Report (2018)*³⁴ noted that the impact of technology, coupled with changing cultural ethos, has increased the incidence of elder abuse, with 44% of elderly individuals reporting ill-treatment in public and a third experiencing verbal taunts or physical assaults at home. The Information Technology Act, 2000, under Section 66D, addresses cheating by personation using computer resources, prescribing imprisonment up to seven years and fines.³⁵ Section 67A penalizes the transmission of sexually explicit content, which can apply to cases where elderly individuals are coerced into viewing inappropriate material.³⁶ However, these provisions are general and not specifically tailored to protect senior citizens from technology-driven abuse. The absence of targeted legislation leaves a gap in addressing cybercrimes against the elderly, who are often unaware of redress mechanisms or hesitant to report due to fear of stigma or retaliation.

Judicial and legislative responses to technology-driven elder abuse are limited but evolving. The Indian Penal Code, 1860, provides recourse for traditional forms of abuse, such as Section 420 for cheating and Section 503 for criminal intimidation, which can be applied to cyber fraud or online harassment. However, the lack of specific provisions for technology-driven elder abuse hinders effective prosecution. The *Consumer Protection Act, 2019*, offers some protection against fraudulent online transactions, allowing elderly victims to seek redress through consumer forums. Yet, the complexity of cybercrimes, coupled with low digital literacy among the elderly, makes it challenging to pursue such remedies. The *National Cyber Crime Reporting Portal* and helplines like 1930 provide avenues for

³⁴ HelpAgeIndia, Available at <https://www.helpageindia.org/documents/research/research-reports>.

³⁵ Information Technology Act, 2000, Section 66D.

³⁶ *Id* at Sec. 67A.

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reporting cybercrimes, but awareness among senior citizens remains low. Organizations like HelpAge India have advocated for increased awareness and training for elderly individuals to recognize and report cyber abuse, emphasizing the need for community-based initiatives. The *Longitudinal Ageing Study in India (LASI, 2017–2018)* reported that 5.22% of elderly individuals experienced abuse in the past year, with underreporting likely due to cultural stigmas and fear of family discord. This underscores the need for robust awareness campaigns and specialized training for law enforcement to handle technology-driven abuse cases sensitively.

International comparisons offer insights into strengthening India's approach to elder abuse. Countries like the United States and Canada have comprehensive elder abuse laws that include mandatory reporting by healthcare professionals and dedicated elder protective services. India's MWPSC Act, while progressive, lacks provisions for mandatory reporting or specialised training for professionals to detect emotional or psychological abuse. The *World Health Organisation* estimates that 15.7% of individuals aged 60 and above globally experience abuse, with rates rising to 83.6% during the COVID-19 pandemic, reflecting the heightened vulnerability of the elderly. In India, the lack of a nationwide healthcare program specifically for senior citizens, as noted in the *Ayushman Bharat Scheme's* limitations, exacerbates the challenges faced by the elderly. Integrating elder abuse prevention into public health policy, as suggested by *BMC Geriatrics* (2020), could enhance protections by addressing functional limitations and disabilities that increase abuse risk.

In short, India's legal framework for elder abuse, anchored by the MWPSC Act, 2007, and supplemented by personal laws and the CrPC, provides a robust foundation for protecting senior citizens. Judicial precedents like *Promil Tomar* and *Ashwani Kumar* demonstrate proactive efforts to uphold elderly rights. However, the rise of technology-driven elder abuse presents new challenges that the current legal system is ill-equipped to handle comprehensively. The IT Act and IPC offer some recourse, but the lack of targeted provisions and low digital literacy among the elderly hinder effective redress. Strengthening enforcement, increasing awareness, and introducing specialised cybercrime protections are critical to addressing both traditional and technology-driven elder abuse. Community-based awareness campaigns, improved legal aid access, and training for law enforcement can bridge

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existing gaps, ensuring that senior citizens live with dignity and security in an increasingly digital world.

V. Role of the Judiciary

The Indian judiciary, particularly the Supreme Court, has played a transformative role in addressing the legal implications of technology and surveillance in the context of individual rights. The landmark case of Justice *K.S. Puttaswamy (Retd.) v. Union of India*³⁷ was a watershed moment, recognising the right to privacy as a fundamental right under Article 21 of the Indian Constitution. The Court held that privacy encompasses informational privacy, bodily integrity, and personal autonomy, and any infringement must satisfy the tests of legality, necessity, and proportionality. This ruling has direct implications for elder abuse cases involving surveillance, as it establishes a constitutional framework to challenge intrusive monitoring practices. For example, the Court's emphasis on proportionality could be applied to cases where family members or caregivers use surveillance technologies to control elderly individuals, ensuring that such actions are justified and consensual.

In *People's Union for Civil Liberties (PUCL) v. Union of India* (1997)³⁸ The Supreme Court addressed the issue of telephone tapping and government surveillance, laying down guidelines to prevent unauthorised interception of communications. The Court emphasised that surveillance must adhere to strict procedural safeguards and be authorised only when necessary for public safety or national security.³⁹ These guidelines are relevant to elder abuse cases involving digital surveillance, as they underscore the need for transparency and accountability. For instance, the PUCL guidelines could be extended to regulate the use of CCTV cameras or tracking devices in private settings, ensuring that elderly individuals are not subjected to unwarranted monitoring by family members or caregivers.

The *Manohar Lal Sharma v. Union of India*⁴⁰, commonly known as the Pegasus case, highlighted the dangers of advanced surveillance technologies like Pegasus spyware, which allegedly targeted journalists, activists, and public figures in India. The Supreme Court constituted a committee of experts to recommend reforms to India's surveillance laws, emphasizing the need to protect privacy in the digital age. While the Pegasus case did not

³⁷(2017) 10 SCC 1.

³⁸ (1997) 1 SCC 301.

³⁹*Ibid.*

⁴⁰ 2021 SC 5396.

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specifically address elder abuse, its findings are relevant to elderly individuals targeted by spyware or other intrusive technologies. The Court's call for legislative reforms to regulate surveillance could pave the way for protections against technology-driven elder abuse, particularly in cases involving unauthorised access to personal devices or data.

VI. Conclusion and Suggestions

The intersection of technology, surveillance, and elder abuse in India presents complex legal challenges that require urgent attention. The rapid adoption of digital technologies has transformed elder care, offering innovative solutions for monitoring and support. However, these same technologies have facilitated new forms of abuse, including financial exploitation, privacy violations, and emotional harm. The Supreme Court's recognition of privacy as a fundamental right in *K.S. Puttaswamy v. Union of India* (2017) provides a constitutional framework to address these issues, but the lack of specific legislation targeting technology-driven elder abuse limits its impact. Existing laws, such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the Information Technology Act, 2000, are inadequate in addressing the nuances of digital abuse, while the Digital Personal Data Protection Act, 2023, falls short due to its broad exemptions for government surveillance. The judiciary's proactive interventions, as seen in cases like *PUCL v. Union of India* (1997) and the Pegasus case, highlight the need for robust oversight and accountability mechanisms to protect elderly individuals from technology-driven abuse.

To address these challenges, several policy and legal reforms are necessary. First, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, should be amended to include provisions for technology-driven abuse, such as cyber fraud, online harassment, and surveillance-related violations. These provisions should define digital abuse clearly and establish penalties for perpetrators, including family members and caregivers. Second, the Information Technology Act, 2000, should be updated to include elderly-specific protections against cybercrimes, with a focus on enhancing digital literacy programs for senior citizens. Third, the Digital Personal Data Protection Act, 2023, should be revised to limit exemptions for government surveillance and introduce strict guidelines for the use of surveillance technologies in private settings. Fourth, a dedicated oversight body, such as a Data Protection Authority, should be established to monitor and regulate surveillance practices, ensuring compliance with the principles of legality, necessity, and proportionality.

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The judiciary should continue to play a proactive role in addressing technology-driven elder abuse by extending the principles of privacy and personal liberty to elderly-specific cases. Courts can establish precedents by adjudicating cases involving surveillance or cyber fraud against the elderly, ensuring that perpetrators are held accountable. Additionally, community-based interventions, such as awareness campaigns and digital literacy programs, are essential to empower elderly individuals to navigate digital platforms safely. Organisations like HelpAge India can collaborate with government agencies to provide training on recognising and reporting cyber threats. Furthermore, care facilities and households using surveillance technologies should be required to obtain informed consent from elderly individuals, with clear guidelines on the scope and purpose of monitoring.

India can draw on international best practices to strengthen its legal framework for technology-driven elder abuse. For example, the European Union's General Data Protection Regulation (GDPR) provides a robust model for data protection, with strict penalties for violations and clear rights for individuals. Adopting similar standards in India could enhance protections for elderly individuals against data misuse and surveillance. Additionally, the United Nations' principles on older persons, which emphasise independence, dignity, and participation, can guide policy reforms to ensure that elderly individuals are not marginalised in the digital age. Looking ahead, India must prioritise a holistic approach that integrates legal, technological, and social interventions to protect its ageing population from the risks of technology-driven abuse while harnessing the benefits of digital innovation.

In conclusion, the rise of technology and surveillance in India has created new opportunities and risks for the elderly, necessitating a re-evaluation of the legal framework governing elder abuse. By addressing the gaps in existing laws, strengthening judicial oversight, and promoting digital literacy, India can ensure that its elderly population is protected in the digital age. The principles of privacy, dignity, and autonomy, enshrined in the Indian Constitution and reinforced by landmark Supreme Court judgments, must guide these efforts. As India progresses toward a digital future, safeguarding the rights of its elderly citizens will be critical to building an inclusive and equitable society.

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