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ELDERLY AND LGBTQ+ AS VULNERABLE VICTIMS

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ABSTRACT

Vulnerable victims are the individuals or groups facing high risk of harm, injustice, exploitation because of their social, economic personal factors, when it comes to these vulnerable groups often the elderly people and the LGBTQ their needs are not adequately addressed and overlooked but they face high risk of victimizations like abuse, neglect, financial exploitation, frailty, in case of elderly, incase of LGBTQ groups there are increased hate crimes against them, harassment, discrimination which exist due to the stigma in our society, both the groups in most cases doesn't approach the authorities due to fear retaliation, lack of trust, fear of discrimination while reporting and there are social and systemic barriers like ageism and their health, hatred towards them often prevent elderly and LGBTQ victims from accessing legal protection, healthcare and support they go unnoticed when compared to others. This has to be addressed since they are silent victims of victimization and it is pivotal to reinforce the values like equality, respect, safety and security of all the individuals despite age, sexual orientation, gender etc. Their struggles they face and their consequences which victimizes them moreover about the laws which are there to protect them is essential to analyse what can be done to prevent further victimization of the LGBTQ and elderly people.

Keywords: Vulnerable Victims, Victimization, Elderly People, LGBTQ, Discrimination, Exploitation, Stigma.

I. INTRODUCTION:

Vulnerable denotes that someone who is weak , who are without protection, the ones who can be easily hurt physically, mentally, emotionally,¹ likewise vulnerable victims are the ones who are harmed, distressed due to their physical and personal circumstances like their age, disability, health and various other factors. In the vulnerable groups the elderly and the LGBTQ

¹“ *Vulnerable- Merriam-Webster: America's Most Trusted Dictionary*”, (Feb. 3, 1978), <https://www.merriamwebster.com/dictionary/vulnerable>.

are one among them, they are easily victimized of the crimes which happens in our society therefore they are vulnerable to several forms of abuse, neglect, exploitation and discrimination.

The elderly and the LGBTQ face heightened risk and challenges where the elderly people are mostly targeted with scams, financial abuse, and emotional manipulation etc., likewise the LGBTQ face social stigma, discrimination and violence and so this study focuses on the crimes, trends of the victimization, legal frameworks case laws which helps them to fly freely against these factors which hinders and victimizes them.

II. CRIMES AGAINST THE ELDERLY PEOPLE

UNO and Maintenance & Welfare of Parents and Senior citizens Act 2007 emphasises that the people who have attained the 60 years of age or over the age are regarded as elderly individuals or senior citizens,² the different types of crime committed against them are

- Crime against Body (Murder, Attempt to Murder, Hurt, Kidnapping etc)
- Crime against Property (Robbery, Theft, Burglary etc)
- Economic crime (Cheating, Criminal Breach of Trust etc.)

Since they've become feeble physically and not much aware of the digital world the offender find them as an easy target and other crimes can be carried out against the elderly people even by inexperienced criminal since they are physically weak. In most scenarios they are affected by the fear of the crime and that causes harm more than the crime itself.

III. TRENDS OF ELDERLY PEOPLE'S VICTIMIZATION:

There are enormous harms and factors due to which the elderly are victimized and factors like their physical ability, mental status, the location of crime or depending on an abusive child leads to victimization and face abuses like physical abuse after their retirements or in nursing homes or even in their own home since they are senile³, mostly they encounter monetary loss where the fraudsters using friendliness or false demeanor to attain their trust due to which they undergo monetary loss⁴.

²“Older persons” /UNHCR, https://emergency.unhcr.org/protection/persons-risk/older-persons#:~:text=The%20United%20Nations%20defines%20an%20older%20person,%20Physical%20appearance%20*%20Age-related%20health%20conditions (last visited Jan 25, 2026).

³Elizabeth Podnieks & Cynthia Thomas, “The Consequences of Elder Abuse”, in Elder Abuse 109, (2017), https://doi.org/10.1007/978-3-319-47504-2_6.

⁴“Abuse of older people”, World Health Organization (WHO), <https://www.who.int/news-room/factsheets/detail/abuse-of-older-people> (last visited Feb. 25, 2026).

These victimization may also have simultaneous effects on the elderly ones which can have impact on their psychological wellbeing, social interactions and furthermore as follows;

Physical Consequences like serious injuries occurring in case of robbery or assault like fractures, long term ill effects like impairment.

Psychological Consequence like increased fear, anxiety which may restrict them to enjoy or engage in a society, Depression which may cause them helplessness , results in sadness and isolation it occurs when their family neglects or abuses them⁵.

PTSD after experiencing traumatic events they may experience nightmares, flashbacks, severe anxiety which impairs them in their daily functioning.

Social Consequences such as isolation, loss of trust may become reluctant cause of which they may not leave their home or prevent engaging with others, neglect is also equally harmful where it the failure to provide the essentials which are required for the elderly people like food, shelter, medical need etc.

Economic loss which includes the monetary loss endured, increased expense for medical treatments, security purpose and legal cost.

The factors not only results in these consequences it also has impact in their quality of life as well by reducing their independence particularly when they require assistance they may isolate from people, leads to decreased participation in daily and social activities may also result in chronic health issues.

IV. INTERNATIONAL & NATIONAL LEGAL FRAMEWORKS FOR PROTECTING ELDERLY PEOPLE:

1. Universal Declaration of Human Rights (UDHR)⁶ –Article 1- It refers that every individuals is entitled to dignity and rights and are born free with equal dignity and rights, where it includes the elderly and the LGBTQ so everyone have to be treated with dignity and rights

Article 25- emphasises that older persons have the right to a reasonable standard of living for the well-being and health of individuals encompasses food, clothing dwelling, it applies to older people so that they can be protected.

⁵ Ilie A.C. Pişlaru A.I. Alexa I.D. Pancu A. Gavrilovici O. & Dronic A., “*The Psychological Abuse of the Elderly – a Silent Factor of Cardiac Decompensation*” - *PMC*, PMC Home (Feb. 3, 2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5649032/>.

⁶ “*Universal Declaration of Human Rights*” *United Nations* (Dec 27, 2015). <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

2. **United Nations principles for Older persons 1991⁷- Article 17-** emphasises that older people should be able to lead lives with their dignity and safety, in addition to being free of exploitation and abuse from both physically and mentally.⁸
Article 18- states that senior citizens should be fairly treated regardless of their age, gender, racial or ethnic heritage, or impairment, and their value must be determined irrespective of their contributions to the economy.
3. **Global Action on Elder Abuse (2022)⁹** - the WHO (World Health Organization) has led this initiative to combat elder abuse and globally has raised **15 June 2022** as ‘World Elder Abuse Awareness Day’ further has published five priorities for the UN decade of healthy ageing from the year 2021 till 2030.
4. **Article 38(1) of the Indian Constitution** – emphasises that the State should seek to enhance the wellbeing of its citizens by protecting and safeguarding them properly, moreover has also ensures that State should reduce disparities in status, amenities, and opportunities. Where it would include LGBTQ and the elderly indirectly within those context¹⁰.
5. **Article 41 of the Indian Constitution¹¹** – it denotes that the state within the constraints of financial resources and development, ought to facilitate by assuring educational opportunities, the right to employment, and public assistance. Incase if they are unemployed, old aged, in sickness and if they are disabled.
6. **Bharatiya Nagarik Suraksha Sanhita, 2023- Section 144** – deals with the maintenance of the elderly parents, regardless of their religion, may seek maintenance. under this section and if any person neglects or refuses to maintain their parents the Magistrate of first class can order for allowance of monthly maintenance upon the proof

⁷ “*International Legal Protection of Elderly Rights – Rights of Minorities and other Marginalised Groups*”, e-Adhyayan | Books for PG Courses, <https://ebooks.inflibnet.ac.in/hrdp06/chapter/international-legal-protection-of-elderly-rights/> (last visited Feb. 4, 2026).

⁸ “*United Nations Principles for Older Persons - Older People’s Commissioner for Wales*”, Older People’s Commissioner for Wales (Apr. 19, 2024), <https://olderpeople.wales/about/publication-scheme/our-policies/un-principles/>.

⁹ “*Abuse of older people*”, ‘World Health Organization (WHO)’, <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people> (last visited Feb. 4, 2026).

¹⁰ “*Article 38: State to secure a social order for the promotion of welfare of the people - Constitution of India*”, Constitution of India (Mar. 31, 2023), <https://www.constitutionofindia.net/articles/article-38-state-to-secure-a-social-order-for-the-promotion-of-welfare-of-the-people/>

¹¹ “*Article 41: Right to work, to education and to public assistance in certain cases - Constitution of India*”, Constitution of India, (Mar. 31, 2023), <https://www.constitutionofindia.net/articles/article-41-right-to-work-to-education-and-to-public-assistance-in-certain-cases/> (last visited Feb. 4, 2026).

of neglect as they deem fit¹². Moreover makes it obligatory for both the sons and daughters even if they are married to maintain their parents.

7. Hindu Adoption & Maintenance Act 1956¹³ – this Act entitles that the elderly people has the legal rights to seek maintenance from their children particularly under Section 20 of the Act, which ensures the responsibility to maintain their old aged parents who are unable to maintain themselves.

8. Section 23 – is about the The Court possesses the power to determine to what extent maintenance should be provided to the elderly parents, further can alter the amount to be paid if it is insufficient. Further the obligation is not only on the son it is also onto the daughter to maintain their parents and can be claimed by their natural and adoptive parents as well.

9. The Maintenance and Welfare of Parents and Senior Citizens Act 2007- under this Act Section 4 emphasises that senior citizen who is hardly capable of maintaining Themselves from their own earning or property can claim maintenance they can be a parent or grandparent can claim from one or more children¹⁴.

If they are childless in such circumstances they can claim from their relative if they are in possession or would inherit their property after their demise.

The application for maintenance under this act can be filed under Section 4 before the tribunal established under Section 7 can be filed by a senior citizen or a parent, or if he is unable to do so, by any other person or organization authorized by him. The Tribunal may also take cognizance on their own motion. The Tribunal will issue notice to their legal heirs or concerned party and will pass interim orders for monthly allowance for maintaining their elderly parents and can demand to pay during the pendency of the case itself and the order has to be made within ninety days from serving notice can be further extended in case of exceptional circumstances and the Tribunal may alter the amount if they find its insufficient.

This Act also emphasises duty on the State Government to provide and establish old age homes and medical support to the elderly and to ensure to furnish beds to all elderly people at hospitals managed through government funds. Further to provide them separate queues, facilitate

¹² “Section 144 of BNSS” | Sheokand Legal, Sheokand Legal, <https://sheokandlegal.com/articles/section-144-of-bnss/> (last visited Jan. 15, 2026).

¹³ “Hindu Adoption and Maintenance Act 1956” - Detailed Analysis, Testbook, <https://testbook.com/bare-acts/hindu-adoptions-and-maintenance-act-1956> (last accessed Jan. 15, 2026).

¹⁴ Rajdeep Kaur Uppal Uday Veer Singh, “Legal Protection to Elderly Person’s Rights in India: A Socio- Legal Study in Present Context”, Advances in Consumer Research (Nov. 25, 2025), <https://acr-journal.com/article/legal-protection-to-elderly-person-s-rights-in-india-a-socio-legal-study-in-present-context-1938/>.

treatment for chronic, terminal ill senior citizens and also to provide measures for awareness and welfare of senior citizens¹⁵.

The Maintenance and Welfare of Parents and Senior Citizens Act Amendment bill in 2019¹⁶ –this bill eliminated the ceiling limit max limit which was 10000 in the act where after the bill no such limit for the allowance, number of ways to file the application was enhanced further senior citizens who are above the age of 80 were given priority in the processing of the application, senior citizen care homes, homecare service agencies have included in the process of registration, Nodal Police Officers for senior citizens have been appointed in all Police Station and Special Police Union have been established in every District, the upkeep of senior citizens helpline has been established in Chennai it is called ‘Bandham’ the helpline number for Tamil Nadu is 14567.

V. LGBTQ+ AS VULNERABLE VICTIMS:

LGBTQ+ is a form of acronym for lesbian, gay, bisexual, transgender, questioning, intersex, asexual, allied pansexual, etc. it is umbrella term used to describe people who are not heterosexual or cis-gender, the ones from this community stride for equality and understanding since there is a strong societal discrimination against them once they had also faced life threatening’s in number of countries across the globe¹⁷.

The discrimination they face are on the basis of gender identity, sexual orientation, discriminated by bullying, name calling, harassment, gender based violence, denied from employment & educational opportunities and even denial of healthcare therefore compared to the other vulnerable victims they are extensively treated unequally because of their gender¹⁸.

Due to the cruelty and discrimination faced by the LGBTQ they are deprived of numerous rights such as marital rights, equal status, employment, education but now campaigning related to the awareness on individuality and acceptance of LGBTQ communities have started increasing therefore various countries have passed laws to uplift and normalize the existence of LGBTQ.

¹⁵“Maintenance and Welfare of Parents and Senior Citizens Act 2007: Overview”, Testbook, <https://testbook.com/bare-acts/maintenance-and-welfare-of-parents-and-senior-citizens-act-2007> (last visited Jan. 16, 2026).

¹⁶“Maintenance and Welfare of Parents and Senior Citizens Act 2007: Overview”, Testbook, <https://testbook.com/bare-acts/maintenance-and-welfare-of-parents-and-senior-citizens-act-2007> (last visited Jan. 16, 2026).

¹⁷Amnesty International. “LGBT rights - Amnesty International”. (2026, Jan 5)
<https://www.amnesty.org/en/what-we-do/discrimination/lgbti-rights/>

¹⁸ “LGBTQI+ - Social Protection and Human Rights”, Social Protection and Human Rights (Mar. 27, 2018), <https://socialprotection-humanrights.org/key-issues/disadvantaged-and-vulnerable-groups/lgbtqi/>.

In India homosexuality was considered to be a taboo or stigma, the decriminalization of section 377 of IPC (Indian Penal Code) led to more discussions in media and among general public now at present most of the cities hold pride march annually¹⁹. Further led to development of numerous NGOs to support and aid the LGBTQ community in education, socially, by providing them medical and health services by making them acceptable.

VI. LAWS RELATING TO LGBTQ:

Article 14 & 15 of the Indian Constitution - entails that all are equal and there would be no discrimination on grounds of caste, creed religion, gender, sex etc. which ensures that everyone should be treated equally²⁰.

Article 21 of the Indian Constitution – guarantees right to life and personal liberty to everyone, which assures that they have right to live freely like others²¹.

Transgender persons (Protection of rights) Act 2019- following the judgment of *Nalsa Vs Union of India* in 2014 directed the Central and the State Government to take numerous steps for the welfare of transgender community and recognize them as “third gender” and to safeguard their rights this Act was passed in 2019. This act also provided reservation to transgender people, The intent of this act is to offer them equal access to education, jobs and other opportunities to transgender community people and prohibits any sort of discrimination against them²², further it punishes any kind of abuse towards them under Section 64, 74, 76, 85,356 of the BNS and incarceration for a period not less than six months provides to 2 years and fine for sexual, physical, mental, verbal and economical abuse under the Act.

The Act also recognizes the third gender and allows them to change it by issuing a certificate before the District Magistrate to change their gender if they had undergone the surgery. Further provides them the Rights and Entitlements like to provide them right to residence, employment, established a designated person called Complaint officer to deal with the complaints, prohibits discrimination and unjust treatment in education, job opportunity, health care, access to enjoyment of services, goods, with other possibilities. They should be included in sports and

¹⁹ Sucheta, “Mapping the Progression of LGBTQ+ Rights in India- Important Laws and Judicial Pronouncements”, SCC Times - (June 11, 2025), <https://www.sconline.com/blog/post/2025/06/11/mapping-the-progression-of-lgbtq-rights-in-india-important-laws-and-judicial-pronouncements/>.

²⁰ “Right to Equality (Articles 14-18)”. BYJUS (2024, Mar 28).. <https://byjus.com/free-ias-prep/right-to-equality/>

²¹ “Article 21: Protection of life and personal liberty - Constitution of India”. (2023, Mar 31). <https://www.constitutionofindia.net/articles/article-21-protection-of-life-and-personal-liberty/>

²² Shamayeta Bhattacharya et al., “‘Transgender Persons (Protection of Rights) Act’ of India: An Analysis of Substantive Access to Rights of a Transgender Community”, 2022 J. Hum. Rts. Prac., <https://doi.org/10.1093/jhuman/huac004>.

recreational facilities etc²³.

Moreover the Act provides to establish a National Council for Transgender to redress their grievances, this act also facilitates shelter homes, rehabilitation and protects the people from hostile families and renders welfare to them.

Decriminalization of Section 377- in 2018 Section 377 has been partly decriminalised by the Supreme Court in the case of *Navtej Singh Johar Vs Union of India* this case was the initial step which paved way to the battle of recognition and normalization of LGBTQ. The Court emphasized the difficulties faced by the LGBTQ and upheld the Constitutional rights, they held that existence of Section 377 is a violation of Right to Privacy and hence declared it as Unconstitutional²⁴. Yet the Supreme Court has refused the legal recognition of marriage between them is considered to be a setback. We do have contradiction with International Human Rights Standards and Norms where they uphold the right to marry and establish family for all individuals, irrespective of the gender identity, whereas we are not in alignment with global norms almost incase of LGBTQ.

VII. CASE LAWS RELATING TO PROTECTION OF ELDERLY PEOPLE AND RIGHTS OF LGBTQ:

In *Santosh Surendra Patil vs Surendra Narasgonda Patil And Ors*²⁵ – In this case The Court ruled that it is children's legal obligation to care for their parents, and it mandated the State Government to serve as Guardians of Senior Citizens and Elderly Frail Parents.

In *Sunny Paul & Anr. vs State Nct Of Delhi & Ors*²⁶ in this case The High Court of Delhi declared that children who harass their parents whilst residing in their house ought to be evicted from the premises and established an Action Plan to safeguard the life and assets of senior citizens in Delhi, enabling them to lodge a complaint with the District Authorities to evict such vicious Children.

*Vijay Manohar Arbat v. Kashi Rao Rajaram Sawai and Anr*²⁷ in this case The Supreme Court has declared that married daughters who are self-sufficient should contribute maintenance to their parent if they didn't have a son emphasises that section 125 of CrPC does not exclude

²³ "India's new law on the protection of rights of transgender persons", International Bar Association | IBA, <https://www.ibanet.org/article/0f3ae21b-0170-4bf7-95dd-45b07ef1caf6> (last visited Feb. 1, 2026).

²⁴ Mehrotra D., "Decriminalisation of Section 377: The Navtej Judgment and Why Its References Matter?" - Academike, Academike (July 29, 2021), <https://www.lawctopus.com/academike/decriminalisation-of-section-377/>.

²⁵ "Santosh Surendra Patil vs Surendra Narasgonda Patil And Ors" 2017 Supreme(Bom) 758

²⁶ "Sunny Paul & Anr. vs State Nct Of Delhi & Ors" AIRONLINE 2018 DEL 1777

²⁷ "Vijay Manohar Arbat v. Kashi Rao Rajaram Sawai and Anr" 1987 AIR 1100

daughters, they are also liable to maintain their parents and stepmother is also equally entitled to maintenance.

*Arunkumar v. Inspector General of Registration*²⁸ in this case the, marriage between Hindu male and transwomen was declared as a valid union marriage can be legally registered under marriage laws if the recognition that intersex individual who identify as either as male or female have such right mostly for transgenders, yet they are denied from adoptive rights citing to the benefit and need of stable home.

*National Legal Services Authority (NALSA) v. Union of India*²⁹, in this case the Supreme Court established that a transformative legal framework for transgender rights by officially recognizing "third gender" identities beyond the traditional male-female binary. The Court affirmed that individuals have a fundamental right to self-identify their gender, directing all levels of government to provide formal legal recognition of these identities without the illegal and "immoral" requirement of Sex Reassignment Surgery (SRS)³⁰. To combat systemic marginalization, the judgment classified transgender persons as socially and educationally Backward Classes, mandating affirmative action through reservations in education and employment. Furthermore, The Court called for comprehensive state intervention to address the mental health challenges and social stigmas faced by the community, emphasizing the need for public awareness to end their social exclusion and ensure they are treated as equal members of society.

VIII. PERUSAL ON THE GAPS WHICH MAKES THE ELDERLY AND THE LGBTQ VULNERABLE:

Among the vulnerable groups they are the silent group who suffers the more than the most due to the infirmity of the elderly and the social rejection that often inflicted on the queer groups, the society often considers the old ones as a burden especially when children work or living in a nuclear family they are left behind resulting in emotional abuse, isolation and physical abandonment, though there are laws to claim maintenance from the children legally yet it might be lengthy process for some who requires immediate aid, mostly they give up because the

²⁸ “*Arunkumar v. Inspector General of Registration*” AIR 2019 MADRAS 265

²⁹ “*National Legal Services Authority (NALSA) v. Union of India*” AIR 2014 SC 1863

³⁰ Sucheta, “*Mapping the Progression of LGBTQ+ Rights in India- Important Laws and Judicial Pronouncements*”, SCC Times (June 11, 2025), <https://www.sconline.com/blog/post/2025/06/11/mapping-the-progression-of-lgbtq-rights-in-india-important-laws-and-judicial-pronouncements/>

system is very exhausting to navigate for the elderly victims³¹.

Despite laws there is still refusal of the queer by the society to view them as natural persons though there is decriminalization they face discrimination when it comes to reside or rent a house, people treat them as mockery in workplace which never makes them insecure. In case if the elderly is a queer there is no safety net for them it might be double burden for them which may cause extreme isolation since most of them were rejected by their families, never had children, none to depend on they are an invisible victim³².

In order to prevent such vulnerability apart from existing statutes the State might ensure to provide the elderly with pensions so that the need not lend their hand to their children for basic needs, establishing mobile courts which prevents the old aged people from travelling far or from awaiting in crowds and stressful courtrooms to seek justice, since many suffer from digital scams the Government can make safe banking applications for senior citizens with more additional protections to bridge them with digitalization. Despite existing laws on discrimination laws to protect the queer groups in their everyday life from humiliation in renting houses, jobs, their quotas in reservation can be enhanced in jobs and education without discrimination which might help them break their cycle of poverty, by building gender neutral or third gender washrooms in public places making it accessible for them, by providing shelter homes where elderly transgenders can live without fear and abuse. The two groups suffer from Conservative Bias the system mainly benefits those who are young, successful, and from traditional families. The law needs to cease attempting to fit people into preconceived notions and start protecting people for who they are in order to address it.

IX. CONCLUSION:

It is crucial to the needs of elderly people and the LGBTQ and assure that laws are in place to safeguard their rights and dignity, to prevent discrimination and harassment of the vulnerable ones, in case of the elderly the challenges are varied like due to physical loss, financial losses and social autonomy, their own age related issues reduces their ability to strive for seeking redressal for their grievances, drift of the society towards nuclear families has also left them with lack of support leading to isolation, abuse and varied loss and consequences and

³¹ “*Vulnerable groups: needs and challenges*” - GSDRC, GSDRC - Governance, social development, conflict and humanitarian knowledge services (Aug. 12, 2015), <https://gsdrc.org/topic-guides/vulnerable-groups-needs-and-challenges/>.

³² “*Issues and Problems Concerning LGBT Persons – Rights of Minorities and other Marginalised Groups*”, e-Adhyayan | Books for PG Courses, <https://ebooks.inflibnet.ac.in/hrdp06/chapter/issues-and-problems-concerning-lgbt-persons/> (last visited Feb. 1, 2026).

exploitation, their vulnerability is not just an mere issue but a structural failure which requires both legal protection and social efforts to provide them a safety net to ensure they remain protected from vulnerability. On the other hand the queer community they face social exclusion and neglect which exposes them to high risk of violence, poverty and resulting in mental health crises since face it within their own families itself, even when they rely on legal frameworks it is inadequate and left to further victimization to get rid this vulnerability it is upon the NGOS and Governments to provide them their basic rights, essential resources and support further by evading from conservative bias, to promote inclusivity moreover to create a society which values respect ,dignity and the worth of all individuals regardless of their age, gender, sex orientation, disabilities and furthermore.

