

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES



CENTRE FOR COMPARATIVE STUDIES IN PERSONAL LAWS

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NATIONAL LAW UNIVERSITY DELHI PRESS

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND
PRIORITIES

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FOREWARD

As the Vice Chancellor of the National Law University, Delhi, I am profoundly honoured to introduce a seminal work which addresses a pressing societal concern: the welfare of the elderly; titled 'Rights of Elderly People in India: Challenges and Priorities'. This publication, emerging from the dedicated efforts of the Centre of Comparative Studies in Personal Laws (CPL), illuminates the complex landscape of elder care with the depth and breadth it duly deserves.

The challenges confronting our senior citizens are both serious and multifaceted. As they navigate the twilight years of their lives, many among them grapple with issues of isolation, financial insecurity, health complications, and, tragically, abuse. These adversities are not confined to the realm of personal misfortune but reflect broader systemic and societal gaps that demand urgent attention and remediation. It is within this context that this book seeks to cast a spotlight, offering not just insights but solutions that are grounded in compassion and pragmatism.

The genesis of this book can be traced back to the National Conference on Elder Care organised by the Centre, where academics from across the nation gathered to share research and perspectives on elder care. This collaborative effort not only enriched the discourse but also laid the groundwork for the compilation of this publication. Through rigorous writing, meticulous editing, and thoughtful publishing, the Centre has encapsulated a wealth of knowledge and recommendations that promise to steer the conversation on elderly care into new and constructive directions.

The significance of this book within the field of elder care cannot be overstated. At a time when the demographic landscape is shifting towards an aging population, the need for informed, compassionate, and action-oriented approaches to elder care is more critical than ever. This publication represents a comprehensive resource for researchers, practitioners, policymakers, and anyone

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committed to improving the lives of the elderly. It not only addresses the legal dimensions of elder care but also weaves in social, economic, and psychological considerations, offering a holistic view of the challenges and opportunities that lie ahead.

I extend my best wishes to Prof. (Dr.) Anupama Goel and Prof. (Dr.) Anju Tyagi, the contributing authors, and the student editorial team of Manas Mahajan and Vinayak Rajak; assisted by Arnav Roy, Aerica Mittal, Aditi Jain and Aditya Sagar. This work is more than a scholarly endeavour; it is a call to action. It embodies our collective aspiration for a society that not only cares for its elderly but also honours and celebrates their contributions. May this book inspire meaningful dialogue, foster empathy, and catalyse efforts to ensure that the golden years of life are lived with dignity, respect, and joy.

Prof. (Dr.) G.S. Bajpai
Vice-Chancellor,
National Law University, Delhi

PREFACE

The Centre for Comparative Studies in Personal Laws (CPL) at the National Law University, Delhi, is proud to introduce a comprehensive work titled “Rights of Elderly People in India: Challenges and Priorities”, focusing on the complex challenges faced by the elderly population. Despite living in a society that respects the elderly for their wisdom and experience, they often encounter neglect and face numerous social, legal, economic, and psychological difficulties. Various measures have been instituted at both national and international levels, such as the Maintenance and Welfare of Parents and Senior Citizens Act in India, the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, and international efforts including the United Nations Principles for Older Persons and the Madrid International Plan of Action on Ageing. However, there is still a significant discrepancy between the protections these frameworks aim to provide and the actual conditions experienced by the elderly in India.

This publication aims to address this gap, serving as a critical tool for improving the welfare of the elderly. It seeks to build a necessary bridge between societal needs and governmental actions through scholarly discourse, thereby enhancing the quality of life for the elderly population. The foundation for this book was established during a National Conference hosted by the Centre, which focused on examining current policies, assessing the role of the community, and identifying ways to boost the contributions of the elderly to society. This conference was a key step in understanding the complex issues surrounding ageing and spurred further in-depth research into the various dimensions of elder care.

This book stands out for its thorough, interdisciplinary approach. It began with a national conference call for papers, followed by a meticulous selection process where student editors conducted preliminary reviews, and faculty editors performed the final evaluations to ensure the highest quality. The content goes beyond legal analysis to include

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perspectives from spirituality, culture, and history. This broad approach deepens our understanding of elder law and encourages wider, more empathetic conversations about elderly welfare. The aim is to foster empathy, respect, and open dialogue about caring for the elderly.

This volume is an essential resource for policymakers, legal practitioners, scholars, and advocates, aiming to significantly enhance the living standards and rights of the elderly. It calls for a more inclusive and compassionate approach to elder care, encouraging a reassessment of societal attitudes towards this important demographic group.

In conclusion, we would like to express our sincere appreciation to all those who contributed to this project, including the conference participants, the CPL team, and the library staff. Special thanks are extended to the Vice Chancellor and Registrar of the University for their support, ensuring the successful completion of this project and reinforcing our shared commitment to improving the welfare of the elderly.

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ENSURING SECURITY OF ELDERLY PERSONS IN INDIAN METROS-AN ANALYTICAL STUDY

By Siddhartha Misra^{1} and Prerna^{2*}*

ABSTRACT

Elderly persons have numerous concerns, including economic security, health issues, and the company and care of loved ones, etc. However, one highly important but often ignored concern of elderly people is ensuring their security. Elderly persons are highly vulnerable and susceptible to the commission of crime, especially in bigger towns and cities. There are obvious reasons why elderly persons are vulnerable and susceptible to crime as compared to young people. Apart from an increasing lack of physical and mental strength and capacity, elderly people start easily believing in people and in most of the things that they are told. Moreover, in the current scenario of nuclear families, in which children often live away from their parents, most of the elderly people, especially, in urban households are under compulsion to live alone. All such and many other factors make elderly people, especially those living in Indian urban areas, highly vulnerable and susceptible to the commission of various types of crimes against them. Past data reveals that a variety of crimes such as theft, robbery, cheating, forgery, and even murders of elderly people frequently occur with elderly persons in India. At present, the biggest threat to elderly people is the commission of cybercrimes such as fraud and cheating with them by cyber fraudsters. This is a serious situation, however, strangely, this issue does not

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seem to attract much attention from the authorities, and there is also not much discussion on this issue in the mainstream media.

The present paper aims to study the existing legal framework for the protection and security of elderly persons in Indian metros. Further, the paper seeks to examine and identify the shortcomings and gaps in the existing system and, finally, suggest reform.

Keywords – *Elderly Persons, Vulnerable, Crimes, Legal Framework, Gaps, and Reform.*

INTRODUCTION

The world's population is ageing at a speed that has never been observed before, and this has become a global concern (Meher and Sekher, 2021). The fastest-developing nations, like China, India, and Latin America, are experiencing the consequences of population ageing. In particular, the percentage has increased in India, where there are 77 million senior citizens, which is predicted to reach 324 million by 2050, accounting for 17% of the overall population. The senior category (those over 80) will make up roughly 279 per cent of the population.

The growth rate of the 60-above age group is going to grow significantly faster than the population's overall growth rate. India will become home to 12.5% of the world's elderly population (Karna, 2022). A study titled Technical Group on Population Projections (2011–2036) for India and States was released in July 2020 by the Government of India's National Commission on Population. According to the projection, there will be 22.7 crore senior persons in India by 2036, accounting for 15% of the nation's overall population.

Under the influence of an industrial culture, older people deal with economic, social, and psychological adjustment issues. They are vulnerable to the risks of ageing, solitude, and loneliness. The elderly find it difficult to operate on their

own in such circumstances and feel alienated from society as a whole (*Basu, 2017*). Nowadays, they are becoming victims of serious crimes such as murder, abuse, and isolation at the hands of neighbours, family members, housemaids, and even strangers. These cases have surely had a significant impact on older people's lifestyles and their feeling of security inside the family and in the community (*Bharat and Venumadhava, 2020*). Similarly, it's becoming more and more apparent that older people in metropolitan areas have a lower sense of safety and are more afraid of crime than their rural counterparts (*Mukherjee, 2017*). There were 4,264 total cases of crime documented in 19 metropolitan regions in 2021 crimes committed against elderly adults, up from 4,029 cases in 2020. This indicates a 5.8% rise in crime registrations from 2020 to 2021(*Gupte, 2023*).

The COVID-19 pandemic has highlighted the disastrous consequences on senior citizens, who are already vulnerable to major interruptions in their ability to get treatment in community-based settings and throughout disjointed health systems. It has also drawn attention to historical inequities in the way older individuals have historically been treated in times of crisis and to current abuses of their human rights. The elderly person had a severe case of COVID-19 during the pandemic, was dying in a sterile hospital room, could not find family members nearby to offer comfort and affection, could be alone and hungry at home, or could be struggling to make ends meet as a crucial worker at a low-paying job (*Morrissey, et.al., 2022*).

It shows that it is important to determine the elements influencing the well-being of older adults due to the rapid ageing process in developing nations such as India. Undoubtedly, the 2007 Act is the only piece of law specifically designed for senior citizens that is currently in effect in India; yet, its limitation lies in the fact that it primarily covers financial and economic abuse, leaving out protection against physical and mental abuse. This paper

examines the different types of crime that are causing people to fear crime as well as the elements that contribute to this fear among older adults. Based on that context, this paper provides information about elder abuse's nature and scope, criminal activity against older individuals, legal protections, and strategies for preventing and controlling elder abuse. In the end, the paper concludes with suggestions after discussing the National Capital Territory of Delhi's reformative agenda.

ELDER ABUSE – A TRAGEDY OF MODERN LIFE

According to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, any person who has reached the age of sixty or more is considered a senior citizen (*Patel, 2013*). According to the National Centre on Elder Abuse (2008), “every knowing, intentional, or negligent act by a caregiver or any other person, such as family members or relatives, which causes harm or poses a serious risk of harm to a vulnerable adult” is considered abuse or a crime against the senior citizen. Furthermore, according to the International Network for Prevention of Elderly Abuse, “neglect, violations of human legal and medical rights, and deprivation of the elderly” is called elder abuse, which is a crime. Under the international network, violence doesn't mean only physical but also psychological and financial (*Bharat and Venumdhava 2019*).

The World Health Organization has characterized abuse against elders as “any one-time or recurring act, or inappropriate conduct, occurring within any relationship in which there is a belief of trust that results in harm or emotional distress to an ageing person.” This concept covers a wide range of abuse, including financial, emotional, psychological, sexual, physical, and wilful neglect. The problem of elder abuse has been increasingly acknowledged as a human rights and public health concern (*Meher and Sekher, 2021*). The World Health Organization and its partners released a document titled “Tackling Abuse of older

people: Five Priorities for the UN Decade of Healthy Ageing (2021-2030)” on June 15, 2022, the date of World Elder Abuse Awareness Day. First, approximately one in six individuals aged 60 and above reported experiencing abuse in a community setting within the last year; second, the number of staff members who reported abusing elderly patients in The ratio of nursing homes to long-term care facilities is two to three; the COVID-19 pandemic has increased the number of cases of abuse against elderly patients; mistreating the elderly can have serious physical consequences as well as long-term psychological effects; and finally, the world population of people who are 60 years of age or older will nearly double, from 900 million in 2015 to about 2 billion in 2050 (*Kambovski, 2023*).

CONVENTIONAL LIVING TO MODERN LIVING

In India, the joint and undivided family was once considered the standard family structure. Older people were given better roles and prestige privileges to maintain the traditional culture in such a family structure. With the arrival of British rule, fresh influences in the governmental, intellectual, and financial domains that they created meant that India’s cultural life would inevitably undergo a transition. Since the 1990s, the fundamental idea of a joint family has undergone considerable change because of the development of cities and industries (*Basu, 2017*).

The position of the elderly has changed dramatically as a result of globalization, urbanization, and industrialization. Consequently, this impacts the living style of families. Numerous social and economic factors, such as increased earning potential and the preference for nuclear families in urban regions, change the basic layout of a home. It has not only impacted the elderly’s ability to make decisions, but it has also acted as a trigger for bringing up other different issues (*Bharat and Venumdhava, 2019*). Because of individualism, the line of division between young people and the elderly is increasing, and in this way, the number of

nuclear families is rising, as is the number of older individuals living alone.

FACTORS RESPONSIBLE FOR CRIME AGAINST ELDERLY

Numerous studies on the conditions of older people provide highly reliable signs of the general loss of their dignity and risks to their rights in a variety of areas—from a place of employment, medical care, aid and assistance in their families or organizations, to taking part in political decisions, social and cultural life, and other areas—provide a foundation for identifying them as a “vulnerable category (*Kambovski, 2023*).”

In India, researchers are exploring the criminology and sociology of fears of crime among senior individuals. Financial sector crimes, crimes involving property, acts of violence, and elder abuse are a few of the serious crimes committed against senior adults. Financial crimes encompass identity theft, fraud, scams, and healthcare fraud. Seniors in particular are more susceptible to financial crimes due to their isolation from society, lack of friends, risk of being assaulted in the community, and lack of access to transportation. A lot of people are gullible, forget things easily, and might feel ashamed to acknowledge they were harmed. The criminal uses data such as a victim’s Social Security number, bank account details, card number, and driver’s license number to finish a transaction or obtain additional personal information about them.

There were 26,110 crime instances against senior adults registered overall, a 5.3% increase over the 24,794 cases in 2020. There were 4,264 total cases of crime documented in 19 metropolitan regions in 2021 crimes committed against elderly adults, up from 4,029 cases in 2020. This indicates a 5.8% rise in crime registrations from 2020 to 2021 (*Gupte, 2023*). According to National Crime Records Bureau data, crimes against senior citizens have increased in Delhi and Mumbai. In Delhi, there were 906 cases in 2020 and 1166 in

2021, a similar trend in Mumbai. In terms of IPC crimes, Delhi has the highest cases of theft (659), followed by Mumbai with the second highest cases of cheating (376) (*National Crime Records Bureau, 2022*). The charge sheet for the data cases is very disappointing. In Delhi, out of 1166 cases, only 209 were charged; similarly, in Mumbai, out of 987, only 204 cases were charged (*National Crime Records Bureau, 2022*). In this manner, the number of crimes against older people is increasing day by day. Therefore, we need to understand the causes that lead to crimes against the elderly.

LIVING ALONE AND SOCIAL ISOLATION

The tendency of older people to live alone makes them more vulnerable. The World Population Ageing Report from the United Nations estimates that 90 million older people live alone globally. Seniors who live alone in large homes are particularly vulnerable to crimes like murder, adultery, theft, robbery, and fraud. A key aspect contributing to senior worry was the loss of a job or friends. When elderly people lose their friends, family, jobs, or routines, they may experience depression and, in certain cases, become a target for scammers (*Bharat and Venumdhava, 2019*). Many times, because of their children's employment, the elderly have little choice but to live alone. The elderly will inevitably develop a fear of crime as a consequence of such problems (*Karna, 2022*).

According to the report of the Helpage India group, there are approximately at least 112 million people over the age of 60 in India, and forty per cent of them live alone. As a result, they are easy targets for criminal activity and experience severe effects from abuse (*Karna, 2022, p. 6*). The main cause of elderly people's concern was their lack of involvement in the community. Participating in social activities makes people feel safer than isolating themselves from others. Those who were unable to communicate with others and lived alone also worried about their safety.

VICTIM-OFFENDER RELATIONSHIP

The dynamic relationship between victim and offender plays an important role in the elders' way of life, and this relationship is an important element in the investigation of crimes against older people. Social disorganization undermines social relationships such as loyalty, attachment, participation, and belief. Numerous scholars have attempted to investigate the connections between aged victims and perpetrators in India. A study conducted in Madhya Pradesh on elder abuse found that 25% of crimes against elderly persons were committed by family members, including sons, daughters-in-law, cousins, and neighbours. Property and disputes over land, caste conflict, living alone, failure of the police to pay attention to crimes against the elderly, and rural factionalism are the causes of crime against the elderly (*Bharat and Venumdhava, 2019*).

The senior population residing alone in high-rise flats in urban areas depends on others, particularly on household assistance. Those days are gone when household assistants used to be dependable members of a joint family who were frequently moved to the city from their ancestral villages and kept there for years. Employers now often change their staff, making it challenging to cultivate loyalty in such situations. When these domestic helpers are exposed to the consumerist urban lifestyle, a hunger for wealth and money develops; they frequently steal material things, and in the worst cases, they kill elderly citizens. The ageing population is predicted to cause an increase in elder abuse cases globally, which will reach 320 million victims by 2050 worldwide (*Karna, 2022*). An increasing number of criminal complaints and court transcripts show that elder abuse is no longer a secret (*Mukherjee, 2017*).

**INTERNATIONAL LEGAL FRAMEWORK FOR THE
PROTECTION OF ELDERLY**

It is accepted that the advancement of long-term excellent health and senior care was not included in the fight for human rights when the first international agreement was made. The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Universal Declaration of Human Rights (UDHR) all state that giving preference based on age is not explicitly prohibited, citing the phrase “without distinction of any kind, such as race, colour, sex, or other status.” Since age is no longer listed as an expressly prohibited grounds for discrimination, governments are free to interpret “other status” and, by extension, their obligations without being forced to report on the status of older people.

The United Nations’ 1978 decision to hold the World Assembly on Aging in 1982 was arguably the organization’s most important move for the manner of treatment of older people under international law. A total of 124 countries participated in the 1982 World Assembly, which took place in Vienna. The “right to age” was first recognized as a human right by this Assembly. However, much like previous ones, this one is not legally binding.

The way that elderly people are treated in modern criminal law is becoming a more pressing issue, regardless of whether they are perceived as criminals or, more frequently, as victims. Adoption of the UN Convention for the Protection of Older People Rights, amendments to the Criminal Code—particularly those about the introduction of special offences designed to strengthen safeguarding senior citizens as a vulnerable victim group—and improved forms of punishment for elderly offenders can all be considered significant contributions to this (*Kambovski, 2023*).

The UN Convention on the Rights of the Elderly would: raise awareness of the importance of treating elders with dignity, autonomy, and independence; guarantee that they have access to the legal system and other supports; establish precise policies and procedures for stopping, identifying, and dealing with abuse instances. Creating guidelines for senior care would also aid in changing cultural beliefs and behaviours. In the end, the Convention would foster an inclusive and age-friendly society for all while serving as a potent weapon against neglect, ageism, and discrimination (*Kambovski, 2023*).

This convention had an important role in the legislation of the signature states, including the criminal laws, encouraging the adoption of non-discriminatory laws, more equitable budget allocation to all age groups, and the creation of a system to oversee government acts and hold them responsible. Articles 5 to 31 provide that the right to safety and life that is free from all forms of violence is recognized as a right, and it also deals with the rights safeguarded by criminal laws. To fulfil its protective duty related to the rights of the second generation of elderly people, criminal law needs to make amendments in different sections that affect the dignified status of older people. These cover the health care system, guarding against domestic violence, giving care both within and outside the home, mobility, and other domains (*Kambovski, 2023*).

LEGAL SAFEGUARDS FOR ELDERLY IN INDIA

In India, awareness of elder abuse is very low; in fact, the closed walls of houses and nursing homes can allow the abuse to go unreported and “normalized,” with the violators being immediate family members and caregivers. In a 2014 survey, half of the elderly said they had been abused, and 77% of them could identify the abuser as someone in their own family in India. A survey carried out in 22 cities in 2022 revealed that 35% of senior Indians said they had experienced violence from their sons, 21% from daughters-

in-law, and 2% from non-family domestic assistance. The reported forms of abuse ranged from “disrespect” and “verbal abuse” to “neglect” and “physical violence.”

According to a survey, 46% of India’s elderly population is ignorant of any available legal assistance or abuse redressal mechanisms. Many elderly people are unaware that elder abuse is illegal in India, and the person who harasses senior citizens may be charged with criminal intimidation under Section 506. If an individual engages in verbal or mental harassment targeting a senior citizen, Section 294 may be raised. Most of the senior citizens have no idea about the monthly stipend from their offspring, and if they don’t provide this kind of support, then they risk punishment.

Article 41 of the Constitution of India states that the government must provide enough resources for the elderly. The Criminal Procedure Code’s Sections 125 and 127 address the upkeep of elderly parents. Section 20 of the Hindu Adoption and Maintenance Act, of 1956, places a duty on children to maintain their parents. This duty is not exclusive to men, and daughters also have an equal responsibility to support their parents. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which is broader in scope, validates this even more.

The National Social Assistance Programme (NSAP), which was created by the government in 1995, combined three existing programs for the nation’s senior citizens. These include the National Maternity Benefit Scheme (NMBS), the National Old Age Pension Scheme (NOAPS), and the National Family Benefit Scheme (NFBS). In January 1999, the Ministry of Social and Empowerment established the National Policy on Older Persons (NPOP, 1999). The policy gives the state government broad guidelines for acting in a preventive manner to promote the well-being of senior citizens. The most important act in the country is the Maintenance and Social Welfare for Parents and Senior

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Citizens Act, 2007, which was passed in December 2007 to offer need-based support for parents and the elderly. According to this Act, parents' children, grandchildren, and even potential heirs bear the major obligation for their support. If this obligation is broken, there could be imprisonment, a fine, or both.

The Indian Government launched the Integrated Program for Older Persons (IPOP) in 2008 to improve the quality of life of senior citizens by providing basic services like food, housing, healthcare, and entertainment, as well as promoting an active and productive retirement by supporting the development of local governments, non-governmental organizations, Panchayat Raj institutions, and other local bodies as well as the community at large. The Ministry established the National Council for Senior Citizens. The Council keeps an eye on how the policy is being implemented and advises the government on senior citizen matters. These policies mandate that government assistance also include older individuals' requirements like welfare, housing, health care, and other necessities.

Although the government is doing a lot to empower seniors, payments alone have no positive impact on their welfare. The reason is a lack of legislation about criminal offences against the elderly.

COMPREHENSIVE AND FORMAL ACTION PLAN IN DELHI

Senior citizen crimes increased in the nation's capital last year, with thefts being the most common type of crime. Recent NCRB data states that the frequency of elderly-related crimes in UT increased threefold in 2022, with 75% of the crimes including forgeries and deceit. The number reached 9,782 in 2020, which was higher than in any other major metropolis. According to a report by the National Crime Records Bureau, 1,313 cases were reported in 2022, as opposed to 1,166 in 2021 and 906 in 2020. Fifty-five of the seventy-four elderly people who were targeted by

criminals in 2022 were victims of fraud, deception, and cybercrime.

According to data, Delhi is the most dangerous city in India's metro areas. The city has created a pretty official and thorough action plan to safeguard and provide security to its senior citizens to solve this issue. Under the direction of the Commissioner of Police, Delhi, the Senior Citizen Security Cell was founded on June 22, 2004, at the Police headquarters. Its principal objective is to supervise, advise, and coordinate with the local police in matters of senior citizen security and safety (*Mukherjee, 2017*). The cell has established Senior Citizens Security Cells, established Senior Citizens Toll-Free Helplines, and registered senior citizens who live alone with the police to exercise extra caution. Verification of domestic help, drivers, servants, and tenants is done through special drives and the mobilization of NGO members to offer lonely citizens emotional help.

After several elderly individuals in Delhi were killed, the Delhi High Court issued an order requiring schoolchildren to assist in providing emotional support to the elderly in their community. The task of arranging and supervising the interactions between the kids and senior citizens fell to the Delhi Police. The North, South, West, North-West, and North-East district police have embraced the initiative. They made requests to arrange for volunteer groups of students to visit the elderly person whom the police had identified as vulnerable to schools under their jurisdiction. The cops gave the children a briefing on the dos and don'ts of proper behaviour as well as the tasks they would be helping with. There were two goals for the pupils to pursue. One is to provide emotional aid to the elderly, and the other is to serve as a link between the senior community and law enforcement (*Mukherjee, 2017*). Unfortunately, crime against the elderly is on the rise every day, even with these extra security precautions.

CONCLUSION AND SUGGESTIONS

Elder abuse exists in every nation and culture today. The data above makes it clear that there has been a consistent rise in crimes committed against senior citizens. It creates a need for people to be educated about ageism and ageist attitudes. Given the challenges elderly people encounter as a result of their infirmities and the lonely lives they are forced to lead, some special safeguards are required for their safety. The state must establish policies, health, and social services, as well as a distinct criminal justice system to address crimes against older adults, to counteract this threat.

The first and foremost is an amendment to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for the statutory definition of crimes against the elderly. Establish a network between law enforcement agencies and social service organizations. Special training should be provided to police personnel to handle the elderly. A daily update of data should be maintained by the police, who should maintain and routinely update a database regarding the elderly, including their contact details and any special security requirements. A feedback mechanism can be established that can enable government as well as non-government organizations to check back on the level of satisfaction of their service recipients.

The second is the establishment of a national elder fraud hotline number. On this number, anyone can report fraud against senior citizens. The third is the Elder Abuse Prevention Programme. Under this programme 10 to 12 weeks of training will be provided to elderly people for home safety, physical health, social support, and financial well-being. Addressing cybercrime through awareness campaigns for safe internet practices with the collaboration of cybersecurity experts.

Neighbourhood Watch systems like Resident Welfare Associations, Senior Citizen's Welfare Associations, and Senior Citizen's Neighbourhood Societies should establish

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and implement neighbourhood watch systems like emergency bell services in the residences of elder persons. so that they easily get access to help. Sensitization of the Younger Generation, which includes content that fosters sensitivity awareness, a proper attitude, and respect for the elderly, should be taught in schools. It also helps in developing skills of care and emotional support for the elderly.

It is high time to convert the rhetoric into action. If it is not done even now, then the ultimate victim will be the human society itself.

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SENIOR CITIZENS AND THE LAW: ENSURING JUSTICE AND FAIRNESS

By Dr Nitesh Saraswat^{3*} and Mr Nitin Yadav^{4*}

ABSTRACT

As the older population in India and across the world grows, it is increasingly important to analyse the special issues that the senior individual confronts, particularly in terms of the legal impediments that impede their capacity to guarantee their well-being. Current legislation and legal systems must be simplified and improved so that senior citizens have equitable access to justice. Systemic reforms are required to develop an inclusive legislative framework aimed at defending elderly persons' rights and welfare to solve the various difficulties confronting them. This article analyses the possibilities of legal aid and knowledge as a helpful approach to mitigating some of these issues encountered by senior citizens.

The study begins with an in-depth investigation of relevant Law Commission reports, to gain insights into the envisioned aims for legal help and awareness. The study is meant to add valuable views to the discussion of improving support and knowledge dissemination for the old age population. Researchers have tried to examine the present situation concerning the legal aid available for senior citizens, and how efficiently it works. And whether there is a requirement to deal with such a situation? so that legal aid may work for senior citizens more efficiently in future.

Keywords: Old Age population, Senior Citizens and the Law, Welfare of the Senior Citizens, Legal Aid.

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INTRODUCTION:

Growing older is a natural part of life and is essential to maintaining the harmony and balance of the whole. The elderly have long been venerated for their knowledge and involvement in decision-making, and they constitute a significant part of India's rich cultural past. However, the context in which these conventional ideas were formed has altered throughout time, resulting in a shift in conduct. The senior population has been disproportionately affected by the changing social and economic conditions. Unfortunately, even though older people are an essential and well-respected part of our society, they encounter difficulties in accessing the legal system and other crucial services. The COVID-19 epidemic has highlighted the need to provide older people with access to the law, legal institutions, and services to defend their dignity and general well-being. Inadequate state actions and assistance worsen these vulnerabilities.

In recent years, significant steps have been taken for the protection and well-being of the older population. Changes in the family context, as well as fundamental shifts in the socioeconomic fabric, have prompted these acts. However, these advancements have unintentionally alienated the elderly, leaving them vulnerable to neglect, abuse, and even potentially fatal diseases such as suicide. Historically, the elderly were held in great regard, and living with and caring for them was a deeply rooted cultural norm. However, as the socioeconomic situation has altered, a notable shift in how the old are perceived has occurred. They are increasingly viewed as liabilities rather than stores of information and skill, and their worth is increasingly evaluated through the lens of reliance. As a result of this process, the generation gap between the young and the old is growing. To address the complex legal difficulties that the elderly are presently confronting, a well-planned agenda and approach are required. Bridging the generation gap requires making the elderly more inclusive and helpful. In this shifting social milieu, protecting the rights and well-being of the elderly has

become a key concern, demanding complex and comprehensive legal remedies. Several times in recent history, the government has been required to interfere to protect the rights of the elderly. The generational gap failed to appreciate the values of elderly family members, and the traditional value of care, love, and tenderness that was valued in the past has turned into liability, negligence, and contempt.

The elderly are a vulnerable population group because they rely on others for emotional and physical support. “Article 41” of the Indian Constitution imposes an obligation on the State to protect the welfare of senior citizens, in addition to making it a moral imperative. The provision places the burden on the state to protect the rights of the elderly, who are classified as undesirable citizens. “The National Policy on Senior Citizens 2011 has largely indicated that this group will grow between 2000 and 2050.” As per the report, “there will be an increase of 326% in the population of 60 years and above age and the population of those whose age 80 years and above will be increased by 700%.” “Life expectancy in India increased to 69.7 years in 2020, and it is expected to reach 75.9 years by 2050, with approximately 8% of the population entering their elderly years.” (George, 2021) “A global study conducted by the United Nations World Assembly in 2002 made several recommendations regarding the elderly population. These recommendations include providing legal counsel, resolving legal barriers to getting healthcare services, offering legal safeguards for elderly women, and strengthening current legal frameworks to combat elder abuse.”

The elderly population requires basic healthcare, adequate housing, a sense of safety and security, and a variety of social welfare services. What's more concerning is the significant increase in cruelty and maltreatment directed at them. According to the National Crime Record Bureau, “the rate of total crime against the senior citizens as total in India is recorded as 25.1 % and the rate of Crime against the senior

citizens is recorded as 53.9 % as total in UTs.” “This situation worsens when seniors require legal counsel and access to legal institutions.” As life expectancy continues to rise as a result of scientific and technological advancements, combined with an increasing problem of elderly neglect and abuse, “it has become critical for the government to step in and ensure their quality of life with dignity, by the principles outlined in Article 21 of the Constitution.”

The COVID-19 pandemic, a worldwide lockdown, has caused personal, financial, and social upheaval among the elderly. They have struggled with feelings of abandonment, limited access to essential services, and the difficulty of adapting to technology, which has isolated them even more. Following the post-pandemic era, elderly people are at a crossroads, grappling with a lack of legal understanding regarding specific regulations, available support systems, and access to free legal aid. The elderly encounter substantial hurdles in obtaining legal counsel and help owing to damaged relationships with immediate family, economic uncertainties, and a diminishing social circle. Despite numerous efforts by frontline workers, individuals, and non-governmental organisations (NGOs) around the world to provide medical and nutritional assistance to the elderly, there is a notable lack of initiatives aimed at raising legal awareness and providing tailored legal aid to senior citizens, particularly in India. This problem is worsened by India's elderly population, which commonly relies on others for financial and social assistance.

“The Global Study on Legal Aid, a joint effort of the United Nations Development Programme and the United Nations Office on Drugs and Crime, emphasises the importance of protecting the rights of the elderly to ensure equal access to justice.” This paper highlights the necessity of measures that are customised to the individual requirements of different groups, such as gender-sensitive and suitable measures. Furthermore, the paper highlights the special challenges that older individuals confront while obtaining legal assistance

and navigating the legal system. It brings attention to a vital issue: the scarcity of free legal assistance and resources for this vulnerable community. As a result, “the report advocates for government intervention to improve the well-being and security of senior citizens.”

The Centre for Human Rights, National University of Advanced Legal Studies, Kochi, in its report titled “Ageing Individuals”, highlighted the difficulties and problems faced by elderly people. “This comprehensive report not only identified the issues that seniors face, but it also made recommendations to address these specific concerns.” A significant concern raised in the project report is the ageing population's lack of adequate legal awareness. As a result, the state is urged to intervene and make necessary changes to the current legal framework. Furthermore, “the report advocates for policy changes that would make it easier to provide free legal assistance and raise legal awareness among senior citizens.” “To foster a just and inclusive society, it is critical to align with Sustainable Development Goal (SDG) 16, which promotes law and justice at both the national and international levels for universal access.” “These SDG targets emphasize the establishment of effective, transparent institutions for inclusive decision-making.” As a result, providing legal aid is critical for senior citizens' well-being, and legal counselling plays an important role in their social, emotional, and physical well-being. This article delves into the importance of legal aid and awareness in this context, drawing insights from Law Commission reports and essential legal aid documents.

LEGAL RIGHTS OF SENIOR CITIZENS

In an ever-changing social and economic landscape, where Senior Citizens are bound to face problems and become marginalised in society, it is necessary to establish legal rights for them. With time, there has been a significant advancement in society in terms of laws protecting the rights of the elderly. We will investigate such legal rights to gain a

legal understanding of the situation. In India, older people are protected under Article 41, Part IV of the Indian Constitution, which is titled "Directive Principles of State Policy." In some cases, including unemployment, old age, disease, and disability, Article 41 compels the state to provide the right to labour, education, and public support.

Article 41: - *“Right to work, to education and public assistance in certain cases: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and other cases of undeserved want.”*

In the case of *“Dr. Ashwani Kumar versus Union of India & Ors.”* the petitioner filed a writ petition seeking pension, shelter and Geriatric Care and facilities for the elderly. The petitioner further requested that the Maintenance and Welfare of Parents and Senior Citizens Act of 2007 (the "MWP Act") be effectively implemented. Based on the information acquired, the court asked the union government to collect information on old age residences in each area of the country, as well as information regarding Geriatric care and medical facilities in each district. The Union government has been asked to create an action plan and to assess all current geriatric programmes. The court also acknowledged the rights of the elderly under Article 21 of the Indian Constitution, which had previously been observed and recognised. As a result, under Article 21, the rights of the aged are regarded as essential rights, notably in terms of health and housing.

The administration also enacted the 1999 National Policy on Older Persons (NPOP). Its execution involves more than 19 ministries, with the Ministry of Social Justice and Empowerment serving as the nodal ministry. The government also introduced many pension systems for the elderly, including the Indira Gandhi Pension Scheme and the Atal Pension Scheme. There are also health schemes, home

schemes, and other insurance schemes in place to take care of the physical, mental, and economic situations of the elderly, but there is a paucity of legal aid schemes specifically geared towards older folks that can assist them legally.

The Parents and Senior Citizens Act of 2007 was enacted to guarantee the more efficient welfare of parents and senior citizens, to guarantee their overall physical and mental well-being, to establish, manage, and regulate services and facilities for senior citizens, as well as to provide other matters connected with or incidental thereto.

There are plenty of programmes, schemes, and laws in place to provide physical and mental support, as well as to ensure the well-being of the elderly, but there is no particular programme for legal assistance. We will discuss the importance of implementing legal aid programmes and schemes for the elderly, but first, we must read the provisions concerning legal rights and representation in court for the elderly.

RESTRICTING LEGAL REPRESENTATION: A SHIELD OR A STRANGLEHOLD ON THE LEGAL RIGHTS OF THE ELDERLY?

According to Article 39-A of the Indian Constitution, every individual has the right to legal assistance as a means of accessing justice. It is the State's responsibility to guarantee that the legal system runs in a way that upholds justice, notably by providing free legal aid through proper legislation or initiatives and removing any obstacles to justice-seeking for any citizen due to economic or other restrictions. The State is obligated under Articles 14 and 22(1) of the Constitution to maintain equality before the law and a judicial system that fosters justice based on equal chances for everyone.

The right to legal counsel is specifically denied under Section 17 of the “Maintenance and Welfare of Parents and Senior Citizens Act of 2007”. It reads as follows: -

“17. Right to legal representation- Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.”

Section 17 of the Senior Citizens Act, as addressed in Parliament, aims to foster reconciliation between parties while eliminating time-consuming and costly judicial proceedings. The legislature anticipated that Maintenance Tribunals would use a streamlined process to expedite claim resolution. Certain lawmakers, however, expressed reservations about how applications could be effectively prepared and argued without the assistance of legal practitioners. It was noted that Section 30 of the Advocates Act of 1961, which deals with the right of advocates to practise, had not been enforced. It was argued that without allowing advocates to appear before the Senior Citizens Act's Maintenance or Appellate Tribunal, there could be a lack of accountability among those representing senior citizens, potentially leading to difficulties in presenting evidence. The section 17 provision applicable to section 30 of the Advocates Act of 1961 is given here: -

“30. Right of advocates to practise. —Subject to the provisions of this Act, every advocate whose name is entered in the State roll shall be entitled as of right to practise throughout the territories to which this Act extends, —

- (i) in all courts including the Supreme Court;*
- (ii) before any tribunal or person legally authorised to take evidence; and*
- (iii) before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practise.”*

In the case of “*Paramjit Kumar Saroya vs. Union of India*” the Court pointed to the fact that Section 17 of the Senior Citizens Act starts with a "notwithstanding" term. When it comes to determining the right to legal assistance, the Article includes the language "notwithstanding anything contained in any law." It is critical to note that the term "law" should refer to the current law. Section 30 of the Advocates Act was not part of the legal framework when the Senior Citizens Act went into effect on December 31, 2007. As a result, Section 30 of the Advocates Act would only qualify as "any law" if it existed at the time. Regarding Section 30 of the Advocates Act, the Bench requested that the Central Government reconsider the provisions of the Senior Citizens Act, and decided that Section 17 of the Senior Citizens Act wouldn't impede legal representation on behalf of parties after June 15, 2011.

The Delhi High Court upheld the Punjab and Haryana High Court's position in the “*Pawan Reley v. Union of India*”. Under Section 17, it was ruled that persons might still be represented by attorneys before the Maintenance Tribunal. In the case of “*Adv. K.G. Suresh v. Union of India*”, “the Kerala High Court pronounced Section 17 of the Senior Citizens Act, 2007, to violate Section 30 of the Advocates Act, 1961.” The court emphasised that refusing legal help based on cost is unacceptable because the Senior Citizens Act supports an amicable resolution of disputes but does not replace the job of a lawyer.

Also, in the writ petition “*K Srinivas Ganiga v. Union of India & Others*” Karnataka High Court found Section 17 of the Senior Citizens Act, 2007, illegal in response to a writ petition. The court rejected the notion that granting legal assistance would impede proceedings, highlighting the need for legal help for older individuals who are unfamiliar with legal subtleties. The court ruled that Section 17 violates Section 30 of the Advocates Act, 1961, rendering it unenforceable and extending the right to legal counsel to

Senior Citizens Act petitioners before the Assistant Commissioner and Deputy Commissioner.

The preceding rulings demonstrate that legal assistance is an essential component of the fundamental right guaranteed by Article 21. The Maintenance Tribunal, like a civil court, has evidentiary and procedural authorities. As provided by Article 19 and the Advocates Act, advocates have a fundamental right to practise before such tribunals. As a result, Section 17 of the Act of 2007, which prohibits legal counsel, is clearly in violation of Section 30 of the Advocates Act of 1961.

**LAW COMMISSION'S REPORT ON LEGAL AID IN INDIA:
WHAT DO THEY SUGGEST?**

1. Report of the Bombay State Committee on Legal Aid and Legal Advice, 1950

The Bombay Legal Aid Report used a means test to extend the reach of legal aid to underprivileged communities, allowing those with incomes below a certain threshold to receive free legal aid.

2. 14th Report of the Law Commission on Judicial Administration Reforms, 1958

By providing legal aid, the welfare state protects the individuality of citizens who may be too weak to defend their legal rights.

3. Law Commission's 48th Report, 1972

The report did not address legal aid in maintenance cases involving senior citizens, but it did emphasize the importance of free legal aid for women and children, particularly in maintenance cases under Section 488 of the CrPC.

4. Processual Justice to the People: Report of the Expert Committee on Legal Aid, 1973

The report acknowledged the importance of legal aid for underprivileged populations, involving students, law schools, and state initiatives, but it made no specific recommendations for the elderly.

5. The Law Commission's 128th report on the Cost of Litigation was issued in 1988.

The study, which affirmed the ideals of Article 39A of the Constitution but did not address older persons directly, acknowledged growing litigation costs as a key impediment to justice and urged for state-sponsored free legal assistance to remove financial hurdles.

6. The 131st report of the Law Commission on the Role of the Legal Profession in the Administration of Justice, 1988:

The research emphasized the need for equal opportunities and access to the courts, particularly for socially disadvantaged people, as well as honouring Article 39A's constitutional commitment to enhancing the administration of justice by providing free legal aid.

LEGAL AID FOR SENIOR CITIZENS: HOW DOES IT BENEFIT THE ELDERLY?

Legal needs and hurdles may occur for older citizens, and legal aid for the elderly provides a vital support network to help them deal with these problems. Legal aid can benefit the elderly in the following ways:

1. Justice Access

Legal aid guarantees that older people have access to the legal system and that they may handle legal issues without fear of financial penalties.

2. Rights Protection

It safeguards seniors' legal rights and interests while also guaranteeing that they do not face discrimination, exploitation, or abuse.

3. Estate Planning

Legal assistance helps the elderly manage their assets and ensure that their wishes are carried out by assisting with estate planning, which includes the creation of wills, trusts, and powers of attorney.

4. Healthcare, insurance, and other related issues

Legal aid helps seniors understand their rights and receive appropriate treatment by guiding them through the complicated healthcare and insurance systems.

5. Discrimination based on age

Legal aid deals with age discrimination cases, assisting older people in their battle against unfair treatment in the workplace or other contexts due to their age.

6. Neglect and Abuse

It helps in situations of elder abuse or neglect by providing legal protection for the elderly.

7. Family Law Concerns

Legal aid assists the elderly in family law matters such as divorce, child support, and grandparent visiting privileges.

CONCLUSION

The author feels that the present law has been enacted without giving due consideration to the suggestions put forth by Senior Citizens. The present law is not so efficacious and senior citizen friendly, therefore they must be given a reasonable opportunity to judge and put forth their suggestions to make the law relating to Senior Citizens more efficacious. This will also enable to deal with the increasing number of retired persons and their specific and legal issues to be handled properly.

Presently the legal structure does not provide a guarantee to senior citizens that they can exercise specific rights efficiently and in the right manner. Presently there is no provision for providing legal aid and legal awareness to senior citizens to ensure their life more comfortable and efficient.

SUGGESTIONS:

The study intends to persuade policymakers to address issues that older adults face. Simplifying legal procedures while taking older' social, economic, health, educational, mental health and financial difficulties into account is one of the

recommendations. The following suggestions need to be incorporated into the Law, for the well-being of senior citizens:

- Keeping in view the health and psychological constraints of older people, they ought to receive priority treatment. Therefore it is suggested that Provisions should be incorporated to ensure a specific time limit for deciding the cases filed before the courts by the senior citizens. Provisions should also be made that day today hearing with no adjournments should be ensured so that speedy justice can be provided to senior citizens.
- Specific provisions are required to be incorporated in the Senior Citizens Act regarding Legal aid and assistance to ensure and make their life comfortable.
- Provision should also be incorporated to establish legal consultation centres in specially designated police stations. This will improve their access to legal institutions and help those who are not familiar with the law. It is necessary, as the first person to whom senior citizens contact, is the police. Therefore, it is also necessary to train and educate the police personnel, so that they can specifically deal with the cases relating to senior citizens including maintenance and other issues.
- Provisions should be incorporated for the Establishment of specifically designed Centres in district and taluka court premises. It will improve accessibility and convenience for senior citizens, this involves building ramps, offering basic healthcare amenities, cosy seating areas and dedicated waiting lounges.
- There are no clear provisions in the Senior Citizens Act of 2007 for the prompt resolution of cases. It becomes essential to implement special measures to guarantee timely resolution in cases relating to the maintenance and protection of the property rights of seniors. Administrative officers must prioritise

speaking with and interacting with senior citizens as a result.

- “Section 12 of the Legal Services Authority Act” defines, “the eligibility requirements for receiving legal services, including a list of marginalised groups. Amendments to the Act are being proposed to provide free legal aid to senior citizens. The Law Commission's reports have repeatedly called for broadening the eligibility criteria for free legal aid, emphasising the importance of including senior citizens in the section of the Authorities Act of 1987.
- The 2016 Legal Services Scheme for Senior Citizens of the NALSA promotes the construction of legal assistance clinics at all stages, including universities, as well as legal knowledge. Policy distribution to government officials and senior citizens is part of the implementation process of the State Legal Services Authorities. However, there is a lack of focus on issues such as elder abuse, civil rights, maintenance, and document-related issues. Targeted legal awareness programmes and workshops are critical for empowering seniors because they ensure not only awareness but also follow-up with the appropriate authorities for the resolution of issues.
- Given the complexity of maintenance cases involving senior citizens that fall outside the purview of administrative officers, it is imperative that a dedicated judicial officer be appointed by the Maintenance Act 2007 to ensure expertise and prompt resolution.
- To establish an inclusive legal framework to protect the senior citizens' rights and welfare, An expert committee is required to be constituted including representatives of senior citizens to put forth systematic reforms in the present law.
- Due to a rapid increase in the number of elderly people, more programmes must be implemented, and

- a legal framework that supports them more effectively is required.
- A provision in the existing law is required, to ensure free medical health and free health insurance at the state expenditure, to the senior citizens so that they can get proper treatment without being dependent on their wards. It will make their life dignified and honourable.

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RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

**JUDICIAL INTERPRETATION OF THE MAINTENANCE
AND WELFARE OF PARENTS AND SENIOR CITIZENS
ACT, 2007: A COMPREHENSIVE ANALYSIS**

By Neelam Batra^{5}*

ABSTRACT

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, represents a crucial legal framework in India, designed to protect the interests and well-being of elderly citizens by ensuring financial support from their adult children when necessary. The efficacy and reach of this legislation significantly depend on how it is interpreted and implemented by the judiciary. This study undertakes a thorough examination of the judicial interpretation of the Act, aiming to shed light on its dynamics, challenges, and impacts. Since its enactment, India has witnessed a surge in cases filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. As such, it becomes imperative to explore how the judiciary has played a pivotal role in shaping the contours of this law. The study encompasses a comprehensive analysis of judicial decisions, examining the nuances of interpretation and their implications for elderly parents and their adult children.

The main objectives of this research are twofold. First, it aims to dissect the key provisions of the Act to understand their legal intricacies and intent. Second, it seeks to evaluate how Indian courts, spanning various jurisdictions, have interpreted and applied these provisions in practice. This research raises pivotal questions about the intersection of law, society, and familial obligations. How do different courts across India interpret and apply the Maintenance and Welfare of Parents and Senior Citizens Act, 2007? Are there

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regional variations or inconsistencies in the interpretation of the Act?

This study aims to offer insights that can inform policy and practice. By identifying the strengths and weaknesses of the Act's judicial interpretation, the researcher can shed light on inconsistencies shown in the judgments of various high courts, particularly within the same state high courts. These findings serve as a foundation for further research and potential recommendations to enhance the Act's effectiveness in addressing such discrepancies.

Keywords: *Senior Citizens, Parents, Judicial Interpretation, Eviction, Maintenance, Welfare.*

INTRODUCTION

Everywhere the human cycle begins with the dependency of the young on elders, and it finishes with the dependency of the elderly on those who are younger. (Tibbitts, 1960) Indian society has a long-cherished practice to respect and protect the elderly. It is quite unfortunate that these days the younger generation is not much worried about the well-being of the elderly who are looking for assistance and at times, have to take shelter in the old age home. (Jayasree v. State of Kerala, 2015) Despite various initiatives at national and international junctures, the position of the elderly has not changed much. Taking note of the hard realities, the Government enacted legislation titled, "The Maintenance and Welfare of Parents and Senior Citizens Act (2007)." While speaking about the purpose of the Act, the Gujarat High Court in *Rajeshkumar Bansraj Gandhi v. State of Gujarat* (2016) stated that with the decline of the joint family system, maintaining the elderly persons and the parents has posed a social challenge. So, the need was felt to provide more attention to the protection of the elderly. It was with such stated purpose that the law on the Maintenance and Welfare of Parents and Senior Citizens came to be enacted.

An attempt has been made by the researcher in this paper to understand and analyse how the judiciary has interpreted and used the legislative provisions contained in the Maintenance and Welfare of Parents and Senior Citizens Act (2007) in the course of rendering justice to the parents and senior citizens through the analysis of judgments of the higher judiciary, especially the High Courts. The analysis reviews the judgments against the primary objectives of the law to ascertain whether they will have a positive impact on society. It highlights how the legal system in India builds the issue of protection of life and property of older persons. There is no doubt that cases that go to higher judiciary, clarify and substantiate the law. Given the researcher, these legislations and judgments positively recognize the old and aged as a distinctive category who need individual protection.

RIGHT TO CLAIM MAINTENANCE

A plain reading of Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act (2007) provides that a senior citizen or parent who is unable to maintain himself from his earnings or property will be entitled to make an application under Section 5 against one or more of his children (who are not minor) or even against a relative in case of child-less senior citizens. A wider connotation given to the term maintenance was highlighted in *Parmar Dahyabhai Hemabhai v. Parmar Prakashbhai Dayabhai* (2013) and it was stated the Legislature has willfully attached a broader connotation to the term 'maintenance' so that it is not construed in the narrower sense. It includes medical treatment as well as attendance also which implies that the Legislature aims to provide all-inclusive protection to parents and senior citizens to protect them from emotional neglect and physical and financial abuse and to set up suitable mechanisms to make certain that these objects are realized by simple, economical and speedy system.

Sub-sections (2) and (3) of Section 4 provide that the obligation of the children or the relatives to maintain parents or senior citizens extends to the needs of parents or senior citizens so that they may lead a normal life. The expression “lead a normal life” also has a wide meaning which includes all physical as well as emotional needs of parents. The expression “all needs” in combination with “normal life” includes the obligation to maintain parents/senior citizens so that they may be able to lead a normal life which is not uncared for and short of drudgery compelling the parents or senior citizens to beg for every small necessity of life. The expression “all need to lead a normal life” should not be read in a pedantic way, but must be read in such a way as to advance the object of the Act. It is the responsibility of the authorities under the Act to gather or require ample material which may allow them to decide reasonable requirements of the applicant, although the proceedings are supposed to be in nature of summary proceedings.

Discussing the scope of Section 4 in *M. Venugopal v. The District Magistrate cum District Collector, Kanyakumari* (2014) the Madras High Court held that Section 4 empowers the Tribunal only to issue a direction for payment of maintenance and not to order the return of properties. In another case i.e., *Balbir Kaur v. Presiding Officer-cum-S.D.M. of the Maintenance & Welfare of Senior Citizen Tribunal, Pehowa, District Kurukshetra and others* (2016) it was held that application under Section 4 by in-laws against daughter-in-law for is not maintainable as she does not fit within the definitions of children or relatives, nor do in-laws qualify as parents.

AVAILABILITY OF REMEDY OF APPEAL TO THE AGGRIEVED PARTY OTHER THAN THE SENIOR CITIZENS OR PARENTS

An appraisal of Section 16 of the 2007 Act clarifies that an appeal to the Appellate Tribunal would be only at the instance of parents or senior citizens. However, this is not

followed by the first proviso which deals with the operation of the impugned order during the pendency of the appeal and clarifies that the pendency of the appeal will not come in any manner in the way of the children or relatives who are required to pay any amount in terms of any such order to continue to pay the amount. In *Paramjit Kumar Saroya v. Union of India and another* (2014), *Balbir Kaur v. Presiding Officer-cum-S.D.M* (2015), and *Jagdish Pitambar Pawar v. Pitambar Pundalik Pawar and Others (Bom)* (2023) it has been established that Section 16(1), which outlines provisions for appeal, should be interpreted to grant the right of appeal to any affected party. The Act does not contain any provisions explicitly denying the right of appeal to parties other than parents and senior citizens. In *M. Venugopal v The District Magistrate cum District Collector, Kanyakumari District* (2014) the court noted that the exclusion of "aggrieved child or relative" in Section 16 of the Act was likely an unintentional omission by Parliament, as there appeared to be no conscious effort to differentiate between the rights of parents and senior citizens versus those of children and relatives.

However, a contrary view was given by the Punjab and Haryana High Court in *Sucha Singh Sandhu v. Appellate Tribunal, Promil Tomar and others v. State of Haryana and others* (2013) and Gujarat High Court in the case of *Rajeshkumar Bansraj Gandhi v. State of Gujarat* (2016) wherein it was observed that the Legislature appears to have limited right to appeal, by express provisions, for the senior citizens or parents, which are treated as aggrieved to prefer appeal. A similar view was expressed by the Madras High Court in *K. Raju v. Union of India* (2021) and the Calcutta High Court in *Mamta Sarki and Anr. v. State of West Bengal & Ors.* (2020) It seems to be believed that since the matter concerns the right to file an appeal, which is a statutory entitlement, it would not be appropriate to introduce any additional interpretation into Section 16, as done in the case of *Paramjit Kumar Saroya*.

The interpretation of Section 16 regarding the availability of the remedy of appeal to aggrieved parties other than senior citizens or parents has been a subject of debate among courts. If Section 16 of the Act receives literal interpretation, surely it would lead only to an absurdity. In that case, if the parents are aggrieved, they can file an appeal before the Appellate Tribunal, but if children are aggrieved, they may have to approach the High Court either under Article 226 or under Article 227 of the Constitution of India. So, there may be two proceedings before two different forums which would not have been intended by the Parliament.

The introduction of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill (2019) by the Parliament reflects recognition of the ambiguity in Section 16. This proposed amendment aims to explicitly extend the right of appeal to children or relatives, addressing the concerns raised by courts regarding the interpretation of Section 16. While the debate continues, the proposed amendment signifies a step towards clarifying and rectifying the ambiguity in Section 16, ensuring that all aggrieved parties, including children or relatives, have access to the appellate remedy provided under the Act.

EVICITION ORDER UNDER SECTION 22

Section 22(1) allows the State Government to delegate responsibilities to the District Magistrate for executing the Act's provisions. Section 22(2) mandates the State Government to formulate a detailed action plan to safeguard the lives and properties of senior citizens. Under Section 32, the State Government has the authority to establish rules for this purpose.

In *Manmohan Singh v. Union Territory, Chandigarh(P&H)* (2016) son along with his wife and children were occupying a portion of a house owned by his old parents. They were thrashing their parents and made their life hell. The petition under Sections 21 and 22 of the Senior Citizens Act was filed by parents before the District Magistrate for the

eviction of the son and his wife. The magistrate rejected the petition on the ground that the son had no house of his own. But in the present writ petition, the order of the District Magistrate was set aside. It was held that the possession of a son and his wife is like licensees and therefore they cannot reside against the desires of parents. There is no vested right in the licensee(s) to remain in the possession of the property of the petitioner and parents are at liberty to evict them. So has been held by a Division Bench of this Court in *Gurpreet Singh v. State of Punjab and others* (2016). Also, the same issue has been dealt with by this Court in *Sachin Kumar & Ors v. State of Haryana & Anr* (2016) and *Kulbhushan Monga and another v. Tribunal under Maintenance and Welfare of Parents and Senior Citizens* (2016) wherein it was also laid down that since the protection of life and property falls within the jurisdiction of the District Magistrate, therefore, the District Magistrate is the competent authority to take steps for the same.

In *M.P. Tej Babu v. State of Telangana* (2016) the Andhra Pradesh High Court made it clear that while the power of ordering maintenance is completely conferred on the Tribunal constituted under Section 7, however, under Chapter V a separate action plan for safeguarding senior citizens' lives and properties has been provided. Here, the Tribunal doesn't have a role. Section 23 grants the Tribunal jurisdiction to address property matters of senior citizens. Hence, the Tribunal lacked jurisdiction to grant the mother's request for eviction and return of title deeds, as detailed in the case.

In a very recent case of *Simrat Randhawa v. State of Punjab and Ors* (2021) a question which came up for consideration was whether it would be within the jurisdiction of the Maintenance Tribunal in Punjab or Haryana to enforce eviction as per the action plan aimed at safeguarding the lives and property of senior citizens? It was observed in this case that the Punjab Action Plan of 2014 holds a legal standing similar to a government order or memorandum

separate from the Parent Act and Punjab Rules of 2012. The 2014 Punjab Action Plan lacks statutory support. It is widely recognized that all executive actions must be authorized by legislation. Furthermore, it hasn't been issued in the name of the Governor or presented in the Assembly to date. A Single Bench of this Court invalidated Clauses 1 to 3 of this Action Plan, 2014 which were relating to eviction.

However, in *Mamta Sharma v. Additional Deputy Commissioner-cum-Maintenance Tribunal and ors* (2021) the Punjab and Haryana High Court highlighted that in *Simrat Randhawa*, though this Court invalidated eviction-related clauses of Punjab Action Plan, nevertheless, the relevant provisions in the parent Act of 2007 and the statutory rules remain unaffected and are in effect. This Court held that the aforementioned judgment does not nullify or diminish the significance of the earlier Division Bench ruling of this Court in *Justice Shanti Sarup Dewan, Chief Justice (Retired) and another v. Union Territory, Chandigarh* (2014) wherein it was explicitly stated that even without any action plan dictating eviction under the 2007 Act, all necessary measures can be taken to ensure that parents live peacefully in their homes without being compelled to accommodate their children. In *the Shanti Sarup* case, the Court to achieve the objectives of the Act had exercised the powers under Article 226 of the Constitution of India to issue directions to vacate the house belonging to the senior citizen. In *Maheshwari Devi v. Govt. of NCT of Delhi & Ors.* (2024) The Delhi High Court granted the request of a senior citizen to evict her son and daughter-in-law from her residence under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules (2009).

The interpretation of Section 22 regarding eviction orders, has been subject to varying perspectives across different jurisdictions in India. Through the analysis of notable cases, it becomes evident that there exists a divergence in judicial opinions regarding the applicability and enforcement of

eviction orders under the Act. While some courts have upheld the authority of Maintenance Tribunals to enforce eviction as part of the action plan aimed at safeguarding the lives and property of senior citizens, others have emphasized the need for statutory support and adherence to the provisions of the Act itself. The varying interpretations of the Act's provisions and their alignment with executive actions highlight the complexity surrounding the implementation of the law.

TRANSFER OF PROPERTY TO BE VOID IN CERTAIN CIRCUMSTANCES

Section 23 of the Act grants senior citizens the right to petition the Tribunal to nullify any property transfer, whether by gift or otherwise, made after the Act's commencement, under certain conditions. The transfer must come with the condition that the transferee will provide basic amenities and physical needs to the transferor, and if the transferee fails to fulfil this obligation, the transfer can be declared void. This provision allows the transferor to invalidate the deed if the specified conditions are met, alleging fraud, coercion, or undue influence.

SCOPE OF SECTION 23

After careful consideration of the whole Act, the Madras High Court has observed in the case of *M. Venugopal v The District Magistrate cum District Collector, Kanyakumari District* (2014), that the Tribunal has been empowered under Section 23 only to declare certain transactions as void. But, going by the Act's commendable objective, Section 23 should be given expansive interpretation to hold that while declaring a transfer of property to be void, the power to direct for eviction and return of the said property should be understood. It needs to be stated that such transfer must not be by way of gift only as specified in Section 23(1).

The term "otherwise" contained in sub-section (1) of Section 23 should be generously interpreted to consist of even

transfer of possession which was further also highlighted in the case of *Jayantram Vallabhdas Meswania v. Vallabhdas Govindram Meswania* (2013) by Gujarat High Court. However; such transfer should be made on condition of providing basic amenities and physical needs. A similar decision was given in the case of *Promil Tomar v. State of Haryana* (2014).

However, a contrary view was expressed by the High Court of Kerala in *C.K. Vasu v. The Circle Inspector of Police* (2011) and by Delhi Court in the case of *Sanjay Walia v. Sneha Walia* (2015) where it was clarified that the Maintenance Tribunal does not have the power to direct eviction, yet the said view has not been accepted by another coordinate Bench of Delhi High Court in the case of *Nasir v. Govt. of NCT of Delhi* (2015).

In *Harvinder Kaur Bawa v. The Appellate Tribunal, Panchkula and Others* (2017) the Punjab and Haryana High Court ruled differently where it pointed out that dismissal of a senior citizen's application under Section 23(1) against her son and daughter-in-law seeking their eviction was correct because she hadn't transferred the property to them. The court noted that she should have instead applied under Section 22(2) and the action plan, which involves a distinct procedure. It clarified that Section 23(1) is for challenging property transfers, not for seeking eviction. Additionally, the court highlighted that the procedure given in the action plan doesn't involve a tribunal; instead, the District Magistrate handles it based on the SDM's report, whereas Section 23(1) applications are decided by the Tribunal.

The interpretation of Section 23 of the Act, 2007 regarding the voidability of property transfers in certain circumstances has been subject to varied interpretations by different High Courts in India. While the Madras High Court has emphasized the need for an expansive interpretation of Section 23 to encompass not just the declaration of transfers as void but also the power to direct the return of property, the Punjab and Haryana High Court has affirmed the

Maintenance Tribunal's authority to pass eviction orders in favour of senior citizens under this provision. Conversely, the High Court of Kerala and certain Delhi Court decisions have expressed a contrary view, challenging the jurisdiction of Maintenance Tribunals to issue eviction orders. However, these interpretations have not been universally accepted.

**EXPRESS CONDITION IN THE TRANSFER DEED—WHETHER
A REQUIREMENT TO DECLARE THE TRANSFER AS VOID?**

An interesting question arose in the *Radhamani and Others v. The State of Kerala* (2016) case as to whether in the absence of a specific recital of conditions mentioned in Section 23 in the Settlement Deed, the Tribunal has the power to declare transfer as void. The Kerala High Court was of the view that condition doesn't need to form part of a recital in the deed of the transfer itself. This condition can be either expressed or implied and in case there is no express recital, the Tribunal has to look around circumstances to find out whether conduct otherwise dispels the intention of the donor to revoke. The principles laid down by Kerala High Court in the *Radhamani* case were affirmed by the same Court in *Shabeen Martin v. Muriel* (2017).

The decision was given in *Pomila Tomar and Others. v. State of Haryana and Others* (2014), is also a decision interpreting Section 23 where it was held that there was an implied latent condition that the petitioner would vouch for the welfare of the respondent. The petitioners failed to care for the welfare of the respondent. Therefore, held that the respondent would be entitled to enforce his legal right under Section 23(1). However, some courts, such as in *Jagmeet Kaur Pannu v. Ranjit Kaur Pannu* (2016) and *Sarabjit Kaur v. District Collector-cum-Deputy Commissioner, Barnala* (2016) have taken a stricter stance, emphasizing the necessity of an explicit condition in the transfer deed itself.

In *Sudesh Chhikara v. Ramti Devi* (2022), the Apex Court clarified that when senior citizens transfer their property, it's not always with the condition that the recipients will take

care of them. Many times, these transfers are made out of love and without any expectation of reciprocation. Hence, if it's claimed that conditions mentioned in Section 23(1) are linked to such a transfer, it's essential to prove the existence of these conditions before the Tribunal. In this case, the mother (respondent no. 1) has not even alleged that the release deed was executed in favour of her daughters with such a condition.

However, in the case of *Mohamed Dayan v. The District Collector and Others* (2022), it is highlighted by the Madras High Court that "Love and Affection" is inherent within Section 23(1), eliminating the necessity for an explicit condition in the Settlement Deed regarding the maintenance of the senior citizen. Thus, the requirement for an express condition in the document is waived, and the love and affection motivating the senior citizen's execution of the Deed is deemed a condition for invoking the provision declaring the document as fraudulent or coercive.

The interpretation of whether an express condition in the transfer deed is necessary to declare a transfer as void under Section 23, has sparked debate among various High Courts in India. While some courts have emphasized the need for an express stipulation in the deed itself, others have adopted a broader approach, considering both express and implied conditions, as well as the underlying intent of the transfer.

**CONFLICT BETWEEN THE PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005 AND THE MAINTENANCE
AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT,
2007**

The Hon'ble Supreme Court in *S.R. Batra v. Taruna Batra* (2007) held that the wife could claim the right of residence in terms of Section 17(1) of the Domestic Violence Act, only in a 'shared household' and a 'shared household' would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. It was held that the house

which was the exclusive property of the mother-in-law could not be said to be a 'shared household' entitling the daughter-in-law to claim a right of residence therein. Relying upon this decision, the Punjab & Haryana High Court gave a similar decision in *Hamina Kang v. District Magistrate (U.T.), Chandigarh* (2016). The Court also observed that the judgement in *Natasha Sood v. Chandigarh Administration* (2015) is distinguishable from this case and stated that in *Natasha's* case, there was no pleading or evidence that the house in question belonged to the father-in-law or mother-in-law. It was further held that as the question as to whether the house in question is a 'shared household' or not, was yet to be determined, therefore, the order for ejectment passed under the 2007 Act was quashed.

Similar was the finding of this Court in *Suman v. Tulsi Ram* (2015) where the petitioner Suman had never lived in the house of her in-laws. A contrary decision was given in the case of *Major Harmohinder Singh (Retd.) v. State of Punjab and others* (2014). In that case, the ejectment of the divorced wife and sons was being sought by the husband under the 2007 Act regarding which he had also filed a suit. The learned Single Judge has observed that a divorced wife cannot be turned out of the house of the husband, because she has to be protected against her husband by a provision for maintenance which includes a right of residence under the Protection of Women against Domestic Violence Act (2005). It was in this context that the Hon'ble Court observed that the 2007 Act cannot be used at cross purposes with and to annihilate the rights available under the 2005 Act. A parent who invokes the provisions of the 2007 Act cannot create a situation that makes irrelevant the right of a female to secure protection which is guaranteed under the Act of 2005. The provision of protection which is contemplated under Chapter V is an empowering provision for the welfare of a senior citizen that must be read cohesively that the right of a woman to be protected which is guaranteed under the Act of 2005. The aforesaid judgment has been upheld by the Division Bench in LPA No.1588 of 2014 titled "*Major*

Harmohinder Singh (Retd.) v. State of Punjab and others", decided on 14.10.2014.

In a landmark judgment of *S. Vanitha v. The Deputy Commissioner Bengaluru Urban District & Ors* (2020) the Apex Court overruled the High Court's ruling. It revoked the eviction order, stating that the expedited eviction process under the Senior Citizens Act cannot infringe upon a woman's entitlement to reside in her husband's familial residence, as safeguarded by the Domestic Violence Act. The concept of harmonious construction was discussed, emphasizing that when statutes conflict, they should be construed harmoniously. Similar was the view of the Delhi High Court in *Shuchi Goel v. Shashi Goel and Ors* (2023) wherein the Court laid down that both the Acts should be interpreted harmoniously. Additionally, factors such as the relationship between the son and daughter-in-law must be considered when resolving disputes.

It seems that the conflict between the Protection of Women from Domestic Violence Act (2005) and the Maintenance and Welfare of Parents and Senior Citizens Act (2007) has been a subject of considerable judicial scrutiny, with various High Courts and the Supreme Court offering divergent interpretations.

CONCLUSION

The Maintenance and Welfare of Parents and Senior Citizens Act (2007) serves as a crucial legal instrument in India aimed at safeguarding the interests and well-being of elderly citizens. Through an extensive analysis of judicial interpretations, this research paper delves into the nuances and complexities surrounding the implementation of this legislation. From the examination of eviction orders under Section 22 to the determination of void transactions under Section 23, the judiciary's role in shaping the contours of the Act emerges prominently. Regional variations and inconsistencies in interpretation, as evidenced by case law

from different jurisdictions, underscore the need for a comprehensive understanding of judicial dynamics.

Moreover, the intersection between the Maintenance and Welfare of Parents and Senior Citizens Act (2007) and another legislative framework, such as the Domestic Violence Act (2005) presents intricate legal challenges. Resolving conflicts and ensuring harmonious coexistence between these statutes remains a critical aspect of legal discourse. Furthermore, the availability of appellate remedies, particularly for aggrieved parties beyond senior citizens or parents, has sparked debate within the legal community. While conflicting interpretations persist, the proposed legislative amendment seeks to address ambiguities and provide clarity regarding the right of appeal.

To conclude, this research contributes to a deeper understanding of the Maintenance and Welfare of Parents and Senior Citizens Act (2007) and its judicial interpretation. By shedding light on legal intricacies, regional disparities, and proposed amendments, it offers insights crucial for enhancing the effectiveness of elder welfare laws and promoting justice within familial relations in Indian society,

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**ELDERLY CARE THROUGH TECHNOLOGY DRIVEN
INITIATIVES IN INDIA: ADDRESSING THE PRESENT-
DAY DISCONNECT**

By Dr. Tavleen Kaur Khurana^{6}*

ABSTRACT

Ageing is the inevitable truth of human existence. Advanced medical services have resulted in an upswing in the population of the elderly across the world. It is estimated that by 2050 they are going to comprise about 22 percent of the global population and about 20.8 percent of the total Indian population. This surge carries substantial ramifications for the economy and society in general. Hence, it necessitates that their crucial issues are mindfully understood. It calls for noteworthy efforts to augment the quality of their life.

Out of the myriad ways of improving the quality of life of the elderly, one vital measure is that of employing the use of technology. Technology has proved to be a saviour in a plethora of forms- physical assistive devices, telemedicine, medication alerts through the use of smartphone applications and/or wearable devices and artificial intelligence to name a few. Active employment of these technological aids succour in addressing their physical, medical and emotional needs. However, the accessibility of these technological aids is marred by the lack of financial resources, paucity of information and ageism. Considering the far reaching impact of technology, India too has launched initiatives in this regard - Rashtriya Vayoshri Yojana' and Seniorcare Ageing Growth Engine (SAGE) being the two prominent endeavours. Though the schemes are underway, its equivalent underpinnings in the legislative framework are yet to see the light of the day. The

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Maintenance and Welfare of Parents and Senior Citizens Bill, 2019 is reticent of employing technology for their holistic well-being. Surging elderly population in India warrants a prudent, innovative and a meaningful engagement with technology to meet their imperative concerns. With this backdrop the present research has focussed on the immediate need for providing technological aid to the elderly populace in India, the barriers in the process and the current initiatives in place. An analysis of the Japan's model has been made so as to suggest some of the feasible solutions to be adopted in India.

Keywords: Technology, Elderly Care, Government Policy.

INTRODUCTION

Ageing is the inevitable truth of human existence. With advanced medical services, the world at large is witnessing an upswing in the population of the elderly. It is estimated that by 2050 they are going to comprise about 22 percent of the global population (*International Institute for Population Sciences and United Nations Population Fund, 2023*). A similar trend is being witnessed in India as well. By reasonable estimates, the share of senior cohorts in India will comprise 20.8 per cent of the total (Indian) population by 2050 (*International Institute for Population Sciences and United Nations Population Fund, 2023*).

This surge in the population of the elderly will have considerable ramifications for the economy and society in general. Therefore, it becomes imperative that their concerns are mindfully understood and the appropriate measures undertaken to improve the quality of their life. An enhanced life expectancy should be supplemented with support structures to enable the ensuing rise in quality of life as well. Such support structures can be technology-driven for augmenting the quality of senior citizens in India.

The COVID-19 pandemic has given an impetus to the seamless adoption of technology for availing necessities and quite often mitigating the hardships of the pandemic. This holds special pertinence for the elderly since a sizable portion of the elderly populace in India is living in seclusion either in their own homes or in assisted living facilities. Even when the older cohorts are living with other family members, instances of isolation and loneliness are not uncommon. Technology has proved to be a saviour in myriad forms-telemedicine, medication alerts through the use of smartphone applications and/or wearable devices and artificial intelligence to name a few.

Along with this physical assistive technology like mobility aids viz. wheelchairs, walkers and canes have ensured that the elderly can enjoy an independent and dignified life. However, the accessibility of these technological aids is marred by the lack of financial resources, paucity of information and ageism. Such factors quite often act as barriers for the senior cohorts to enjoy a life of abundance. These barriers are further exacerbated in the case of older women and the elderly population of rural India. Though the protective mechanism in the form of '*Rashtriya Vayoshri Yojana*' and *Seniorcare Ageing Growth Engine (SAGE)* project by the Ministry of Social Justice and Empowerment, the Government of India have been initiated its effective and meaningful realization is yet to be reached. Besides, the pending Maintenance and Welfare of Parents and Senior Citizens Bill, 2019 is reticent of employing technology for their holistic well-being.

The concerns of the senior populace ought not to be viewed merely as a set of discrete issues of one peculiar group who have crossed a certain age but rather with a human rights perspective as well. The underlying truth is that ageing is an inevitable part of life course and cannot be escaped. It is against this backdrop that the present research focuses on the immediate need for providing technological aid to the elderly populace in India, the barriers in the process and the current

initiatives in place. Additionally, taking cue from the best practices of Japan, the feasible solutions which can be adopted in India would be suggested.

THE ‘NEED’ OF TECHNOLOGY FOR THE ELDERLY

Each era of human life warrants certain special needs. These needs are to be managed and accommodated instead of being shied upon or shunned. Old age like any other stage in human life requires effective measures of enjoyment and feeling secure. It is here that technology acts as a positive enabler in ensuring their well-being.

Technology assists the elder cohorts in numerous ways. Broadly the benefits can be grouped under three key heads, i.e. providing for their physical needs, medical needs and emotional needs. The discourse on the same is cited below:

Physical needs

Ageing brings with it several changes in the human body. These changes are gradual and at times quite challenging. Some of the most prevalent age-related functional limitations include hearing issues, loss of muscle and bone strength leading to lack of mobility and agility, degeneration of sight and cognitive decline (*Mada Assistive Technology Center, 2017*). They not only affect the independent lifestyle of the older individual but also create a feeling of unworthiness that stems from declining physical prowess leading to the creation of a mental block in their mind. It is here that the assistive technology steps in and addresses their concerns. Physical assistive technology like hearing aids, mobility aids viz. wheelchairs, walkers, canes, glasses, magnifiers, GPS tracking devices etc go a long way in mitigating their problems and making their life navigable. Assistive technological tools (*CTN Community Tech Network, 2023*) not only improve their independence by making their

travel/movement easier but also ensure that their safety is augmented.

Medical Needs

Ailments are a common facet of old age. There are changes in the cardiovascular and respiratory systems leading to fluctuations in blood levels. Such changes have detrimental effects on the body. Quite often it is coupled with degenerative loss of memory in later years. Such changes affect the near and dear ones of the elderly as well for many times the elderly are not able to fully express their concerns about the sudden nature of such changes. At times, the caregivers and the family members are not able to provide the requisite timely care due to sudden fluctuations of vital body parameters resulting from the accumulated gradual changes. It is in this pertinent field that technology can be harnessed for monitoring vital signs like heart rate, blood pressure and oxygen levels. This is essentially for the elderly, especially with chronic conditions that require close observation by nurses, physicians or family members. With mobile applications giving regular reminders about medication, water and scheduled doctor consultation technology makes health care easier. Additionally, the gaining popularity of fall detectors and emergency alarm systems immensely aids in providing a secure environment for the elderly (Lee, 2022, “Challenges and Barriers”, para. 2).

Regular updates about health issues via technology supplement the quality of care as well as—also lead to a marked increase in efficiency. The underlying goal is to gather information about ongoing health concerns at an early stage to enable timely intervention. Lastly, early detection goes a long way in bringing down the cost of treatment and identifying the further remedial course of action.

Emotional Needs

For several older adults, life often becomes a long episode of isolation. This could be primarily due to separation from family and friends or owing to their health issues. The isolation (Davidson, C., 2023) can further exacerbate their existing issues leading to depression, despair and suicidal tendencies. Here too, technology can come to the rescue of the senior populace (*Soar et al.*, 2020). The internet-enabled devices have dissolved physical boundaries thereby guaranteeing social interactions in the shortest period. It ensures that the elderly remain connected with their near and dear ones through social media applications. Also, people with similar interests ranging from music to cooking to gardening to travel etc get connected on these platforms thereby boosting their confidence and leading to a purposeful life. These interactions promote the emotional well-being of the senior cohorts and improve the quality of their life (*Chopik, W.J.*, 2016, p. 555).

Apart from assisting the elderly in living a meaningful life, technological aid also improves the quality of life for a caregiver (*Mada Assistive Technology Center*, 2017). With the basic facets of the senior individual's life being addressed through technology, the caregiver can focus on the other crucial aspects of the elder's life, for instance encouraging them to take up creative pursuits, taking a walk in the garden, remaining motivated about life and handling bereavement issues.

BARRIERS IN THE PROCESS OF TECHNOLOGICAL ACCESSIBILITY

Several factors dissuade older people from accessing technological developments, thereby impairing their quality of life. These factors cannot be viewed in isolation but rather these operate in conjugation with other barriers. It is the combined effect of two or more of these aspects which create the technological divide among the elderly populace. Some of these factors are highlighted below:

Ageism

Ageism is discrimination or unfair treatment based on a person's age. It is more prevalent against the old-aged populace. Ageism includes biases against the 'old age per se' (Butler, 1975). Prejudicial treatment is given merely because a person has crossed a certain age. As opposed to their skills, individuals are judged by the number of years they have lived. A stereotypical perception is there which considers older adults as inept, worthless and a burden on the infrastructure. The natural consequence of this is that the elderly and their needs are frequently ignored, unseen and overlooked. Thus, measures to include them in technological access are often absent or superficial. This results in the elderly being deprived of the technological benefits.

Neglect

Neglect entails ignoring the elder individual's needs. Owing to ageism older cohorts are many a times ignored and left behind – both by the family members as well as the community. Technological initiatives are often ignorant of their special needs and are devoid of any inclusionary practices.

Many at times it so happens that the older people may also practice self-exclusion and opt out of activities that might enhance their learning to new aids or switch to a better infrastructure (Levy, BR, 2001). This could be due to low interest, a perception that their contributions will not be welcomed or valued and/or a tendency to resist change. These are instances of self-ageism, implying an internalised ageism. Thus, the self-neglecting behaviour and the abandonment on the part of the community exacerbate and exclude the elderly from enjoying the benefits of technological progress.

Paucity Of Infrastructure

New devices and the ensuing updates are mostly meant to appeal to the youth audience. The customisations which are made available to meet the needs of the elderly are often made in the existing set-up itself. Their special needs are made to 'fit in' the devices/infrastructure meant for the rest of the population. A case in point, a seemingly assimilating system focussing on the elderly needs commonly employs the use of overtly large buttons and labels which are too banal and often lack aesthetics thus rendering them unalluring for use. When new products are being developed or novel ideas are being deliberated, technology solutions for the senior cohorts often get confined to only safety and healthcare needs (Lee, 2022). The other facets of their life which warrant the use of technology are often missed and not given due credence.

Also, infrastructure even when available, the information and the awareness about the same is largely missing. For instance, even if new applications specially designed for elderly use are launched, the information about the same is not widely propagated. Moreover, the research and development of products focussing on the elderly rarely involve them in the process, thereby missing out on their precise needs and inputs.

The lack of digital tools and services in local languages further impairs the situation. Factors like illiteracy, poverty, living in remote villages and underprivileged conditions add to the vulnerability, inability, and social exclusion, thus leading to the exclusion from modern-day high-tech benefits. Thus, it would not be incorrect to say that technological developments and new systems rarely target the needs of the aged population in providing timely information.

Lack of training

Infrastructure, modern-day systems and the newest technology even if available at the disposal of the older

adults are largely left futile and unexplored. This can be attributed to the want of specialised training for their use being provided to the elderly (Zaid et al., 2023, p. 7). Owing to ageism the popular perception is that only their medical needs warrant attention and the other crucial facets of their life can be sidelined. Furthermore, support staff of the gadget stores and family members often get impatient and agitated in imparting repeated training to the senior individuals. This not only diminishes their confidence but also dissuades them from actively employing the technological benefits. Additionally, budgetary allocation to provide teaching andragogy to prevent instances of digital fraud against the elderly is scarce.

MEASURES IN PLACE IN INDIA

In India, as far as the schemes are concerned, two key initiatives for ensuring technological assistance to the elderly are deliberated below:

Rashtriya Vayoshri Yojana': Launched on April 1st, 2017 by the Ministry of Social Justice and Empowerment 'The Rashtriya Vayoshri Yojana scheme aims to provide physical aids and Assisted Living Devices for Senior Citizens belonging to Below the Poverty Line (BPL) category. (Government of India Ministry of Social Justice & Empowerment, 2019) The scheme is fully financed by the Central Government from the 'Senior Citizens' Welfare Fund'. Under the said scheme, assisted living devices such as walking sticks, elbow crutches, walkers/ crutches, tripods/ quadpods, hearing aids, wheelchairs, artificial dentures and spectacles are provided free of cost to the beneficiary senior citizens (Government of India Ministry of Social Justice & Empowerment, 2019). The implementing agency of the scheme is "Artificial Limbs Manufacturing Corporation (ALIMCO)" which is a Public Sector Undertaking under the Ministry of Social Justice and Empowerment. The said agency is the sole implementing organisation.

Under the scheme, the identification of the beneficiaries is undertaken through Assessment Camps which are organised with the aid and in collaboration of the respective State Government/District Administration. Amongst the senior faction, the older people who belong to the age bracket of 80 years and above, the devices are made available at their doorsteps. This ensures that their needs are addressed without much delay. One of the pertinent features of the scheme is that in any given State/Union Territory, out of the total number of beneficiaries, 30 per cent shall be women.

With effect from the financial year 2020-21, the scheme has been revised. Now, the criteria for the selection of beneficiaries have been widened. Coupled with the older adults belonging to the BPL category, senior citizens with monthly income up to Rs. 15000/- and suffering from age-related disabilities/infirmities are also encompassed within the scheme.

Seniorcare Ageing Growth Engine (SAGE): The scheme was launched on June 4th, 2021 by the Ministry of Social Justice and Empowerment, Government of India. The said scheme aims to motivate innovators and entrepreneurs to offer innovative solutions for the frequently faced issues by senior citizens (Government of India Ministry of Social Justice & Empowerment, 2021). It incentivises them so that welfare initiatives for the elderly can be encouraged. With this project, aged-care products and services are sought to be popularised and the involvement of the youth in elderly care is hoped to be enhanced. The scheme offers equity assistance of up to Rs. 1 crore per project. As of now, three organisations have been the beneficiaries of this scheme, i.e. Life Circle Health Services, Avyantra and Primary Healthtech Pvt. Ltd. (Government of India Ministry of Social Justice & Empowerment, 2023). It is hoped that this attempt to promote the silver economy will bear fruitful results in fulfilling the technological needs of the elderly populace.

The legal framework to protect the interests of the senior populace is the form of the Maintenance and Welfare of

Parents and Senior Citizens Act, 2007. To safeguard the interests of the senior populace, the legislation not only provides for the maintenance of parents and senior citizens but also incorporates provisions for their 'welfare', thus imposing an obligation on the State. Certain amendments are proposed in the said Act which are mentioned in the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019. The bill aims to ensure the "overall physical and mental well-being of parents and senior citizens". The bill endeavours to address the lacunas of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, this bill has yet to become the law of the land. Even in the proposed amended legislation, no mention of employing technology for the aid and assistance of the senior population is made. Even the elderly care through the use of technology does not find a mention in these proposed amendments.

In India, another key initiative in the field of technology is the *National Digital Literacy Mission*. To transform the Indian society into a digitally empowered nation, the Government implemented certain schemes, under this mission, namely 'Digital Saksharta Abhiyan' (DISHA) and 'Pradhan Mantri Gramin Digital Saksharta Abhiyan' (PMGDISHA) (Government of India Ministry of Electronics & IT, 2021). These schemes are aimed at spreading digital literacy to the masses. Training concerning operating computers and other digital devices, accessing the internet, exchanging emails and providing digital literacy are included within these schemes. However, the senior populace is excluded from these key initiatives. The eligibility age criteria for the said schemes have been capped at 60 years. Thus, as of now the senior citizens remain omitted from the benefits of these endeavours.

PRACTICES ADOPTED BY JAPAN

Japan is at the forefront of demographic ageing and is often termed as the world's first super-ageing society. The report by the United Nations reveals that by 2040, about 36 per cent of the population in Japan will constitute of the elderly segment above 65 years of age (*United Nations Department of Economic and Social Affairs, 2023*). Japan has been at the forefront of technological progress. It has been actively involving technology by employing robotics and machine vision technologies. Its share in these technologies rose to 50 per cent in 2019 from merely 30 per cent in 2016 (*United Nations Department of Economic and Social Affairs, 2023*). Therapeutic Robots like *Paro* are designed to aid the well-being of patients suffering from Dementia, Alzheimer's and other mental health issues. Built with various processors, motors, microphones, and sensors, it is an assistive pet robot and looks like a baby seal. These sensors comprising of light, touch, sound, temperature and posture aid in giving the seal an 'appearance of life'. It is seen as a feasible alternative to pets owing to its benefit of providing companionship to the elderly. Robots in other variants and forms have also been used for the well-being of the elderly, namely, *Hug*, a lifting robot, which was aimed to avert care workers from having to physically lift residents; *Pepper* to run recreational exercise sessions so that care workers would be unfettered for other responsibilities, and *Doukyou robot* to which are the living together robots designed to address loneliness and assisting in the duty of nursing care by the family members.

Efforts to augment digitization are also surging in Japan (*United Nations Department of Economic and Social Affairs, 2023*). Several initiatives are being launched to make the senior cohorts digitally adept. In December 2021 families in Ohkura village having a senior member above 65 years of age received a free tablet (*Kodera, T., 2021*). In October 2021, the Tokyo Metropolitan Government conducted training sessions in Nakano Ward in Tokyo whereby queries concerning smartphones and their usage by the elderly were

addressed (*Onda, S., 2021*). Multiple such sessions were conducted in various parts of the district (*Kodera, T., 2021*).

INCORPORATING TECHNOLOGY-DRIVEN INITIATIVES IN INDIA: KEY SUGGESTIONS

Technology is the stimulus which can augment the quality of life of the senior cohorts in a plethora of ways. Its benefits cannot be confined to one specific arena. With the technology permeating our life beyond imagination it becomes imperative that the older populace too is included to enjoy its benefits. In India, with the surging population of the elderly fulfilling this dire need becomes all the more compelling. Certain pertinent steps ought to be taken to ensure that the elderly can avail the modern-day technology with ease and comfort.

Firstly, the proposed amendments in the legislative framework, i.e. the Maintenance and Welfare of Parents and Senior Citizens Act, Bill 2019 ought to include provision for ensuring technological developments for the elderly as one of the measures for ensuring their well-being. A legislative backing will ensure that the requisite pertinence can be afforded to this cause. Also, it will make the Act more attuned to the present-day needs of the senior citizens.

Secondly, the National Digital Literacy Mission must include the senior faction as well. The eligibility criteria to avail the benefits of the schemes under the said Mission should remove the age capping of 60 years. This would safeguard the digital literacy of the elderly which is a sine qua non in today's time.

Additionally, separate measures for the rural and urban senior population should be employed. Incorporating this initiative would go a long way in ensuring that the older cohorts lead an independent and dignified life.

Thirdly, taking a cue from the technological innovations in Japan, active usage of bots can be experimented with and analysed in India. Since the economies of the two countries are quite different, the incorporation ought to be tried gradually with the requisite budgetary allocation.

Fourthly, public-private partnerships to develop technology-enabled devices for the elderly should be encouraged. It is crucial to mention that the SAGE initiative of the government is quite laudable. However, the awareness concerning the scheme needs to be augmented so that innovative solutions can be reached.

Lastly, deliberations in various forms to highlight the primacy of the said issue needs to be made; for instance, celebrating key days, conducting seminars/events, incentivising the organisation of fairs/exhibitions specially focussing their products, specialized training programmes imparting digital literacy to name a few. It is crucial to involve seniors as a part of these deliberations so that an effective dialogue is reached. These measures underscore the importance of elderly needs and building a technology-friendly society for them.

CONCLUSION

Ageing is an inevitable part of life course and cannot be escaped. Every individual who completes his life in the natural course is destined to encounter old age. Therefore, any measure proposed for this faction ought to be viewed in an optimistic and resourceful light, devoid of an ageist outlook. It is only when this attitude is contained that innovative solutions will see the light of the day. Also, it needs to be remembered that the concerns of the senior populace ought not to be viewed as a set of discrete issues of one peculiar group who have crossed a certain age but rather under the umbrella of human rights issues.

Considering the rising population of older people, it becomes imperative that the fruits of technological progress reach this group at the earliest. Making the legislative and policy framework as well as the schemes elder inclusive will go a long way in ensuring that they are properly looked after in their later years.

The year 2021 witnessed the United Nations, adopting the theme of ‘Digital Equity for All Ages’(Deepu, 2022). It affirms the necessity of access and active involvement of senior individuals in the digital world. Innovative measures for imparting digital training to India's rural and urban populace in India will aid in bridging the digital divide and bringing their needs to the mainstream. This would also ensure that the concerns of each discrete group within the elderly faction are being adequately addressed.

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IMPACT OF SOCIAL ISOLATION AND LONELINESS ON THE WELL-BEING OF SENIOR CITIZENS

By Dr. Neha Singh^{7}*

ABSTRACT

Old age is inevitable and so are its accompaniments such as deterioration in the quality of life, be it physiological, financial, emotional, or psychological. The disintegration of nuclear families which provided the much-needed security to people in their old age has led to many challenges for Policymakers and society in general. General enactments such as the Criminal Procedure Code, The Indian Penal Code, the Hindu Adoption and Maintenance Act, The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and The National Policy on Older Persons, 1999 protect the rights of the elderly thereby furthering the mandate of Article 41 & 46 and Article 21 of the Constitution of India. Yet, one aspect of the elderly that has only been touched at the periphery, is the emotional and mental health of the elderly. Senior Citizens are subjected to both isolation and loneliness. Isolation can affect both physical and mental health. Away from loved ones loneliness and social isolation in the case of Senior Citizens can be debilitating, deadly, and dangerous. No doubt physiological, financial, and other needs have received considerable attention. However, for older adults to lead-free, fulfilling, and dignified lives, it is crucial to prioritise love, belonging, esteem, and self-actualization within Maslow's hierarchy of needs.

Specifically, the purpose of this study is to assess the emotional and psychological needs of the older citizenry stemming from isolation and loneliness, the support

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mechanism required to confront these problems, and the steps required to be taken by the State and Society at large to help the elderly lead a qualitatively better psychological and physiological existence.

Keywords: Senior Citizen, Mental health, Social Isolation, Well-being

INTRODUCTION

India is currently experiencing the challenge of population ageing with an estimated 18% of the total population likely to be Senior Citizens in the coming years. Though there is no universal definition of old age yet in India persons older than 60 years fall in the category of elderly people (Arokiasamy, 2010). The elderly population on account of increased longevity, thanks to medical technology and healthcare is growing though not without the accompanying vulnerability of old age to a host of problems involving physical and mental illness, decreased mobility, loss of sight and hearing, and weak muscle strength. Dementia, Depression, and loneliness particularly strike the old. Old age sometimes brings about feelings of loneliness and despair for many individuals. This can be attributed to living alone, a lack of strong family bonds, and diminished links to one's cultural heritage, which hinders active engagement in community activities. As people get older, it is unavoidable that they get disconnected from their social circles and have challenges in forming new acquaintances and integrating into new networks.

The exponential growth in the life expectancy of individuals is a globally observable phenomenon. Those in India who have reached the age of 65 or older are experiencing an unprecedented increase in life expectancy, necessitating the provision of superior health care. Their requirements have correspondingly increased, and this must be satisfied through increased access to food, clothing, shelter, and other necessities. At the same time, with children moving to distant places on account of jobs or to make a living, the

elderly are left alone and lonely and face social isolation. The salutary Indian tradition of venerating and taking care of elders is also giving way to more individualistic values amongst the new upcoming generation which has forsaken the need to take care of the elderly. Further, the generation gap has raised the possibility of senior citizens being mistreated and neglected. It is not uncommon to see elders/seniors facing verbal, financial, and psychological abuse leaving the ageing population in a helpless situation. Vulnerability to social isolation and loneliness leading to health problems therefore strikes the aged. An aged person's basic physiological and medical needs can be taken care of, but what remains a neglected area is associated with a high rate of loneliness and social isolation among our elderly population.

WHAT ARE SOCIAL ISOLATION AND LONELINESS?

There is a wide range of terminology that can be utilised when individuals discuss feelings of social isolation or loneliness. Whereas social isolation is characterised by a deficiency in social interactions and a limited number of people with whom one can engage in conversation regularly, loneliness refers to the painful sensation of being alone or separated. Loneliness can also be defined as a subjective feeling whereas isolation is an objective state. Loneliness is the feeling of being alone, despite there being social contact amongst the people. While certain people can be lonely even if they are not isolated socially there are others whose loneliness stems from social isolation (*Amarya S, 2018*). His pioneering work in the field as per the research conducted by the esteemed John T. Cacioppo, Ph., who was a former director of the University of Chicago's Centre for Cognitive & Social Neuroscience and a recipient of an NIA award), there is a distinction between being alone and experiencing loneliness, although they are interconnected (*Cacioppo J T, 2009*). Social isolation refers to the deliberate physical separation from others, such as living alone, while loneliness

is the emotional experience of feeling worried or unhappy due to being alone or separated from others.

The cognitive deficit model is applied by Perlman and Peplau in their investigation of loneliness (*Kumar M, 2022*). They see social isolation as the result of a mismatch between one's ideal and actual network of friends and acquaintances. The importance of desired vs actual social relationships is highlighted from this perspective to differentiate between social isolation and loneliness. In this view, loneliness is an emotional state characterized by a lack of confidence in one's current social connections.

Three distinct forms of loneliness have been identified in the literature on the subject: existential, social, and emotional. When people don't have any significant relationships in their lives, it can lead to emotional loneliness (*G., 2021*). When people don't have good social interactions, it can lead to social loneliness. And when people feel alienated from people and the world at large, it can lead to existential loneliness.

EFFECTS ON HEALTH (MENTAL AND PHYSICAL) DUE TO SOCIAL ISOLATION AND LONELINESS

Multiple research studies have revealed that the lifespan, mental and physical health, well-being, and overall satisfaction experienced by elderly individuals are all profoundly impacted by social isolation and loneliness (*Singh, 2009*). Analyses have been conducted to assess the mortality effects of social isolation and loneliness when contrasted with other known killers like smoking, being overweight, and not getting enough exercise. Physical and emotional well-being are both impacted by feelings of loneliness and isolation. Because being alone raises the danger of dying, being lonely can decrease one's lifespan. An increased risk of dementia and Alzheimer's disease is associated with cognitive impairments brought on by loneliness. Loneliness induces persistent stress, therefore compromising the immune system and triggering

inflammation. Cardiovascular disease and autoimmune illnesses can be worsened by a cocktail of factors, including chronic stress, inflammation, and a compromised immune system. When people feel alone, they may start to think about or even try suicide.

Various research has demonstrated that the frequency of depressive symptoms rises in correlation with advancing age (*Fiske, 2009*). The elderly may experience a notable decline in their well-being and quality of life as a result of depression or depressive symptoms, particularly caused by feelings of loneliness and social isolation. Depressive symptoms have a strong correlation with heightened challenges in doing everyday tasks. Losses due to ageing are more likely to occur as people get older. There may be an increase in cases of loneliness as a result of these losses because they make it harder to maintain desirable relationships. Depression and feelings of hopelessness often accompany this when it happens alongside physical disability.

It is unfortunate that though the policies in India and other countries have tried to address the various physiological and economic aspects of the elderly population one neglected field that still needs to be addressed directly and aggressively relates to the mental well-being of such individuals.

RIGHTS OF THE ELDERLY AND THE LAW IN INDIA

Even though the law in India and the Indian Courts have reached unique heights in the effective acknowledgement of the rights of individuals and though the Judiciary has shown sensitivity to recognition of the people's rights, safeguarding the rights of the elderly, the Indian law still requires to take a quantum leap to address the psychological issues affecting the senior citizens in India (*Narayan, 2013*). Emotional and psychological issues affecting the elderly have yet to be brought within the ambit of the laws so that old and the elderly can manage their mental well-being on which the physical well-being of such citizens very much depends.

Mention may be made of laws & policies in India that ensure that senior citizens are not neglected, yet both legislation and policies fail to aggressively address the problem of loneliness & social isolation. The Central Government Act called 'Maintenance and Welfare of Parents & Senior Citizens 2007' is a recent initiative in India that imposes a legal obligation on the heirs and children of senior citizens to provide them with financial support. Additionally, it places a responsibility on the State Government to establish old age homes (*NHRC, 2020*). The primary governing principle of this Act is the eventual assumption of caregiving and nurturing responsibilities by children. This anticipation is regulated by cultural norms that encourage youngsters to assume these responsibilities. Provisions such as Articles 41 and 46 in Part IV of the Constitution of India exist to safeguard the rights of vulnerable groups, such as the elderly (*Jaspreet, 2022*). Nevertheless, these rules have been included in Chapter IV of the Indian Constitution, namely in the Directive Principles of State Policy, which are not legally binding. Policies like National Policy for Older People 1999 exist which provide for various welfare measures including such measures like the exemption from taxation, schemes for pension, provision for land grants and setting up funds for the benefit of older people, facilities for counselling etc., yet neither the above referred Act nor the provisions of the Constitution nor the existing policy measures take into account the mental, emotional and psychological well-being of the senior citizens. Legal precedents that address this issue include Section 125 of the Criminal Procedure Code, which deals with maintenance for the aged, the Indian Penal Code of 1860, which is a general statute that criminalises physical abuse, and the "Protection of Women from Domestic Violence Act, 2005," which safeguards the financial, psychological, and bodily well-being of abused women. But the reality is that no legislation exists to ensure the mental health of the elderly (*D'Cunha S., 2019*). There is also in existence a body of personal laws such as the Hindu Adoption & Maintenance Act, 1956 under which the law

mandates that children must financially support their elderly parents., the Shia law under which the grandparents are treated at par with the parents who need to be given equal quantum of maintenance. Yet, there is a complete non-existence of any personal law dealing with the mental health and well-being of the elderly or one dealing with social isolation and loneliness among the elderly.

INTERVENTIONS / SOLUTIONS /APPROACHES TO ALLEVIATE LONELINESS AND SOCIAL ISOLATION

It is imperative to create interventions aimed at mitigating social isolation and loneliness in the elderly population. Furthermore, the formulation of legislation and regulations targeting the marginalisation and discrimination stemming from feelings of loneliness and social isolation can be crucial in fostering stronger social bonds and effectively addressing the issues of social isolation and loneliness.

Sociability significantly contributes to shielding individuals from psychological suffering and promoting overall well-being. Addressing loneliness and social isolation requires a multifaceted approach. The problem has to be dealt with at various levels, such as the Individual, Community, or State level. It is necessary to incorporate both public and private sector ideas and services with those of non-governmental organizations (NGOs). At the same time, the States assistance in providing the infrastructure and other facilities, to facilitate and provide the environment for the dignified inclusion of the aged into society is therefore essential in all endeavours where it matters most: on an individual, family, and community level (*Hadeel Halaweh, 2018*).

THE INDIVIDUAL AND FAMILIAL LEVEL

At the individual level, the person who feels lonely and isolated should try to find an activity that he or she enjoys whether restarting an old hobby or taking classes to learn something new. It would be interesting for older people to meet people with similar interests. One can plan

specific days to maintain communication with family, friends, and neighbours, either through face-to-face interactions, email, social media, phone conversations, or text messages. Such affected persons can try and open up with people they know or make new connections with. A person can combat feelings of isolation by taking advantage of volunteer opportunities, giving one's time and energy, and collaborating with others towards a common goal. There is strong evidence that participating in volunteer work can have positive effects on mental health, including alleviating stress and depression, increasing social support, and boosting general happiness. Instead of feeling isolated, look closer to home for connection. Your neighbourhood offers plenty of opportunities to make friends and build ties. Chatting with familiar faces at the grocery store, sharing a prayer at your place of worship, or grabbing coffee with local regulars can brighten your day. If you share hobbies, explore nearby groups and clubs - they're perfect for forging bonds based on mutual interests. Remember, a healthy lifestyle can also be your ally against loneliness. Exercise, good food, sufficient sleep, and even a dose of sunshine or meditation help boost your spirits and overall health. In India, family and caregivers remain the bedrock of support for older adults. By raising awareness among both senior citizens and their families, we can create a community that prevents social isolation and keeps our elder neighbours feeling loved and included.

THE COMMUNITY LEVEL

An integrated strategy is necessary to combat loneliness and social isolation in the elderly. At the community level, this translates to weaving a rich tapestry of interventions, both in the real world and online. Imagine social skills workshops where seniors can hone their communication and confidence in interacting with others (*Gardiner, 2018*). Picture vibrant support groups where shared experiences foster meaningful connections and a sense of belonging. Think of caring

befrienders offering one-on-one companionship and a listening ear. Beyond interpersonal interactions, building age-friendly communities plays a crucial role. This means ensuring accessible transportation networks so seniors can easily reach gatherings and appointments. It involves bridging the digital divide by providing training and resources to help them navigate technology and connect with loved ones online. By making information readily available in clear and simple formats, we empower them to stay informed and engaged with their surroundings (*Aparna Shankar, 2022*).

These interwoven threads – social skills, support networks, accessible infrastructure, and digital literacy – form the fabric of a community that embraces its older members. By investing in these interventions, we can paint a brighter picture for seniors, one where connection and fulfilment replace isolation and loneliness. Organizations within the Community can provide community programmes and services (*Ige, 2019*). The availability of senior programmes to assist with healthy ageing and financial security and assistance in helping increase social connectedness and healthy eating habits can go a long way in addressing social isolation and loneliness. Further, Organisations across the country can provide information and assistance and can provide programmes that include amongst others nutritional and meal programmes (counselling and home-delivered or group meals) caregiver support, and more.

THE STATE LEVEL

At the National level laws, and policies can be framed or formulated to address the marginalisation and discrimination of the elderly and to foster greater social connection. This is no doubt a challenging endeavour, particularly in a nation like India, where there is a diversity of culture, regional distinctions, and individual disparities. Despite all the challenges in addressing social isolation and loneliness,

among elderly individuals, attempts can be made to bring forth effective legislation and policies (*C Gardiner, 2018*).

Legislation can range from defining social isolation and identifying its dangers to framing policies and creating programmes to minimize or prevent isolation and loneliness. Efforts might be made to establish policies aimed at enhancing the mental and behavioural health services of the country. Policies can be established to customise programmes for specific demographics and offer emotional assistance, implement regular assessments for older individuals, create welfare initiatives for the elderly, educate mental health professionals on identifying social isolation and other indicators of distress in older adults, and address the scarcity of mental health practitioners. Each State and district can formulate a comprehensive and appropriate plan for elderly care that is tailored to their specific areas, while the Centre plays a supportive role in this process (*Cunningham C, 2020*).

While framing legislation and policies for addressing social isolation and loneliness various cues and insights can be gained from the legislation as framed in Japan, while not losing sight of the cultural milieu in India (*Mishra, 2023*). In a major step towards combatting social loneliness and isolation, Japan has enacted ground-breaking legislation that fosters a collaborative approach between the central and local governments. Recognizing this issue as a societal concern, the law mandates the creation of a task force led by the Prime Minister himself, alongside a comprehensive policy framework to guide future initiatives. At the local level, regional councils comprised of support groups will be established, empowered with access to confidential data on individuals experiencing isolation. This emphasis on early intervention and accessibility reflects the findings of surveys in Japan, which underscore the need for a supportive environment where seeking help feels natural and stigma-free. This proactive approach signifies Japan's commitment

to tackling social isolation and fostering a more connected society (*Jamwal, 2016*).

Asian Countries by and large and especially India are still comfortable with the idea of children forming the major support system in old age despite the breaking down of traditional values. Home-based care has to go hand in hand with institutionalised care and this is where the role of the State assumes importance. The State needs to put a robust infrastructure in place & should provide specialized education and training opportunities in geriatrics. Very few hospitals provide geriatric inpatient care. Senior living facilities, childcare facilities, and mobile medical units that offer care for the elderly need to be operated or supported by the State apart from the NGOs operating them (*Amonkar P, 2018*).

Isolation and mental health should also be the key areas of study on ageing that need urgent attention in India. Encouragement needs to be given to senior care in the curriculum of medical schools. The government should enhance the proficiency of healthcare professionals in geriatric care and establish socio-economic assistance programmes for the elderly inside the community through targeted courses or training programmes. The Government should be more sensitized and active in implementing National Policies on old people and this calls for the enactment of specific laws aimed at dealing with and eradicating the menace of loneliness and social isolation amongst the elderly. No doubt physiological, financial, and other needs have received considerable attention, However, under Maslow's hierarchy of needs, the aspects of love, belonging, esteem, and self-actualization demand increased focus to enable older citizens to experience a life that is both liberated, gratifying, and characterised by dignity.

CONCLUSION

In conclusion, this comprehensive exploration delves into the often-neglected realm of the emotional and

psychological well-being of senior citizens in India, focusing on the pervasive issues of social isolation and loneliness. While existing legal frameworks acknowledge the physiological and financial needs of the elderly, a critical gap remains in addressing their mental health. The disintegration of traditional family structures, coupled with the evolving societal values, has left many senior citizens vulnerable to the detrimental effects of loneliness and isolation. Despite commendable enactments such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and constitutional provisions like Articles 41 and 46, there is a pressing need for legislative advancements to specifically address the mental health of the elderly. This research underscores the urgency for India, and nations facing similar challenges, to integrate emotional and psychological well-being into legal frameworks and policies. The study proposes a multi-faceted approach, emphasizing individual, community, and state-level interventions to alleviate loneliness and social isolation.

By prioritizing love, belonging, and self-actualization within Maslow's hierarchy of needs, policymakers, healthcare professionals, and communities can collaboratively work towards creating an inclusive and supportive environment for senior citizens. A proactive stance, akin to Japan's collaborative legislation, can guide the formulation of policies aimed at fostering a connected and fulfilling life for the elderly, ensuring their dignity and well-being in the twilight years of their lives.

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LEGAL DIMENSIONS FOR THE WELFARE OF THE SENIOR CITIZEN: A LEGITIMATE LANDSCAPE

By Dr. Sanya Yadav^{8*}

ABSTRACT

Personal autonomy or right to self-determination of the elderly patient should be respected and the right of personal liberty of the patient prevails over anything else. Labelling the incapacity of the elderly not only damages the reputation of the individuals in the eyes of society but intensely affects their self-conception in several ways and it violates the right to live with pride enshrined in the Indian constitution. A sound mind is necessary to give valid assent to medical practitioners for any treatment, when the capacity of the adult in treatment is subjected to question no statutory provisions are available in India and no clarity on these questions is established by Indian courts. Unlike the West, the Indian courts have never faced any cases where an adult refuses treatment in an emergency. The statement of personal liberty under Art 21 of the Indian constitution has great generosity of rights, including the right to live with dignity in addition to this the connection between the patient and his medical professional is a contract giving rise to contractual obligations. Therefore, there are no established rules or guidelines in India in situations where the patient is unable to give consent on their own. If such a circumstance arises, the treating physician may continue treatment with the approval of the attendant or any relatives of the patient. The situation has been examined in Muthu Krishnan v. Rajyalakshmi, the court held that the unambiguous consent of the wife was deemed satisfactory the objective of any regulations with which the hospital was required to comply. Thus, the paper aims to address the consent issues that

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underpin the law and looks into sociological, philosophical, and medical literature close to the subject. The paper tries to analyse the broader social meanings attached to old age and the legal dimension regarding the capacity and consent of elderly people by drawing a comparative jurisprudence between common law and US legal systems regarding the capacity of elderly people to consent to medical treatments.

Keywords – Elderly people, welfare society, incapacity, consent, Mental Healthcare Act, 2017.

INTRODUCTION

The number of elderly people in India is growing at a rapid rate, and combined with longer life expectancies, it is clear that understanding the power to make legal decisions is and will remain extremely valuable. This is because our ageing population is more susceptible to neurological, medical, and cognitive disorders as well as dementia. Hence, from an ethical and legal perspective, informed consent, the information provided during consent, and a person's capacity are crucial. The new problems regarding the treatment of the elderly include age-related factors and cognitive and sensory problems. Branding an individual as incompetent is trespass and assault on a person's reputation and it damages the reputation of a person not only in the eye of the law but also affects their self-conception about them. In addition to this, the decision-making capacity of elderly patients has a different attitude characterized by a tendency to accept a more passive role due to various influencing factors such as illiteracy, lack of cognitive skills, poverty and lack of proper health care by the government whereby elderly patients are subjected to exploitation. Hence, the rights of choice are however declined to elderly patients because they are unable to effectuate their preferences without proper medical assistance. As the population of ageing citizens grows, so does the need for legislation that regulates the decision-making capacity of elderly individuals.

Hence, the objective of this research paper is to determine and examine the legal and ethical scenario associated with the competency of elderly individuals to make decisions regarding their bodily autonomy during their medical treatment as the concerns regarding the capacity of elderly patients in medical jurisprudence have been ignored by the Indian legislature for since ages. Thus, it is the need of the hour with the dynamic increase in life expectancy of young people in the nation to address the issues regarding the constitutional right of elderly people to live with dignity as conferred by the Indian Constitution and pave for a modern welfare Indian society.

CAPACITY AND CONSENT IN MEDICAL JURISPRUDENCE

The ethical and legal manifestation of the fundamental right to autonomy and sovereignty is represented by consent. It is the freely given consent of an individual who possesses and exercises a sufficient mentality to decide on anything that has been suggested by another. The cornerstone of medical jurisprudence is the idea that all adults are deemed to be capable of making decisions and that a court must decide whether an adult is competent or incompetent in response. According to Black's law dictionary "legal" Competency refers to "*having sufficient ability possessing the natural or legal qualifications to engage in something as recognised by law.*" Commonly, the term competency has a broad meaning and encompasses various legal and ethical aspects. A minimum mental, cognitive, or behavioural attribute that is necessary to carry out a specific legally acclaimed act or to fill a legally accepted role is referred to as competency. When someone is deemed incompetent, it means that they are mentally incapable of carrying out a certain legally acknowledged act or a specific legally assigned job. Only acts of a somewhat balanced and competent kind are to be recognized by society. Individual autonomy and logical choice-making are two fundamental, but occasionally incompatible goals that have been at the centre of concerns with patient decision-making (*Giampieri, n.d.*)

The significance that is put on independence for its goodness is not the only factor driving the motivation to preserve autonomy in treatment-related decision-making. Safeguarding autonomy also helps to re-establish the authority dynamic between the patient and doctor by keeping the patient's body and mind from being invaded by the suggested therapy. Authorisation for treatment is referred to as patient consent. The legal phrase "informed consent" describes a person's agreement to a suggested medical intervention after they have been given the information, they believe they need to make a learned decision. The attending physician is typically the one requesting consent, and they must consider whether it is really important to provide all relevant material to the resident or whether doing so will negatively impact the resident's health. A modified disclosure consistent with the resident's condition may be adequate if it can be shown that the other physicians in the community would have also made a modified disclosure. Hence the informed consent obtained from the patients undergoing treatment is troubled with the risks of pain and bodily harm and hence the needs of the resident depend on her age maturity and mental status. The patient who is consenting on behalf of the other person should be capable of intelligent judgment. Informed consent is an evolving doctrine due to changes in the medical field. In the doctrine of Informed consent, the doctor should abide by the patient's interest unless a persuasive state interest exists. Primary consent is based on the fundamental that the patient should be given sufficient information about the treatment procedure so that the patient may make an "informed" decision on the treatment that he is about to undergo.

Case Analysis on Medical Jurisprudence

In 1957, a California appeals court used the phrase "informed consent" for the first time, defining,

"A physician violates his duty to his patient and subjects himself to his patient and subjects himself to liability if he

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withholds any facts which are necessary to form the basis of an intelligent consent by the patient to the proposed treatment."

In *Scholendorff v. Society of NY Hospital* (1914) Justice Cardozo held that:

"Every human being of adult years and sound mind has a right to determine what shall be done with his own body and a surgeon who operates without his patient's consent commits an assault, for which he is liable in damages except in cases of emergency where the patients are unconscious and where it is necessary to operate before consent is obtained."

Similarly in *Slater v. Baker v. Stapleton* (Mazur, 2007) the court held that:

"The requirement that physicians must obtain consent from their patients before proceeding with treatment has been a part of Anglo-American jurisprudence since the eighteenth century in England"

In *Salgo v. Leland Stanford Jr. University Board of Trustees*, the court held that complete disclosure of factual circumstances is important to give an informed consent. Concealing the information from the patient regarding the treatment provided to him is considered to be a violation of the doctor's duty. Despite the progressive changes in medical research, the reforms concerning the consent of the patient and their care are implemented at a very slow pace.

**COMPARATIVE ANALYSIS OF COMMON LAW PRINCIPLES
ON MENTAL HEALTH CAPACITY**

In general, decisions regarding a person's comfort can be made on their behalf when they lack ability. The "best interest principle is relevant to all substitute decisions involving acts in connection with case and medical treatment," under the Mental Capacity Act of 2005. Anyone interacting with an incapacitated individual falls within this

category, including friends, colleagues, executors of last wills and testaments, court-appointed deputy protectors, and even judges. Hence, while exercising power (*Wade & Kitzing*, 2019) using the best interest principle the decision maker should make an objective assessment of what is to be done to a person lacking capacity.

When force is used for the best interest of the elderly, the injury caused by the vigour should not offset the benefit from treatment. Hence, force used on the patient during treatment should be necessary and proportionate otherwise it would infringe Article 5 of the European Convention on Human Rights.

According to the Mental Capacity Act of the U.K., the decision maker should take into account the prior choices of the patient and the decision should be in line with those interests. Hence, in *Ahsan v. University Hospital Leicester NHS Trust*, 2007 Hegarty J. held that:

“The most reasonable people would expect, in the event of some catastrophe of that kind, that they would be cared for, as far as practicable, in such a way as to ensure that they were treated with due regard for this personal dignity and with proper respect for their religious beliefs.”

Section 4(7) of Mental Health Capacity lays it down clearly that the views of carers and relatives of the incompetent elderly should be taken into account for their best interests. Section 4(5) of the Act states that a doctor who administers life-sustaining therapy to a patient while knowing that the patient will die shall not be held criminally liable for the medication they take. This permitted a person to pass away in *Trust V. B* land if it was in their best interests, or at least not against them.

Section 24 of the Medical Capacity Act 2015 paves the way for laying down advanced directives about provisions about how they all will be cured if they lose their capacity. The Advanced decisions by a person for rejecting a life-seeing

treatment must be in written form and duly taken up by the person and witnessed by a third party. This is not required to be in writing if the order is not about life-saving treatment, Hence the code of practice (Kaplan et al., 2017) states that a person can make advanced direction to refuse treatment. As soon as a patient becomes incompetent the advanced directive of the patient comes into effect. In the case of a person with capability, their pronouncement is entitled to respect. Hence, all the decisions regarding the autonomy of the patient will be respected. The history of informed consent in America began with a lawsuit in the early 1900 Jus Cardazo in New York Court (*Scholendorff V. Society of New York Hospital*, 1914) of appeal held that “*Every human being of adult years and should mind has right to determine what shall be done with his own body*”.

The first ten amendments of the U.S. Constitution (*The Bill of Rights*, 2023) known as the "Bill of Rights," were drafted to safeguard the people from limitations on their fundamental liberties. The common law principle of self-determination, which protects the right to privacy and protests the conduct of others that may endanger physical integrity, is a corollary to the fundamental tenets of the Bill of Rights.

A SPECIAL PROVISION OF THE GUARDIANSHIP AND PROTECTIVE PROCEEDING ACT 2014

According to the Guardianship and Protective Proceeding Act, the determination of incompetence is adjudicated by the Court and after determining the de jure incompetence a patient cannot make his own decision and a guardian will be appointed on a patient's behalf. Over the past century, the ethical and legal foundations of informed consultation in the United States have changed from merely requiring agreement to a process of disclosure and dialogue that upholds the patient's rights (*Patient Self-Determination Act*, 1992). With the enactment of the Community Mental Health

Act of 1963, the groundwork for expanding the capacity assessment has begun.

In *Nancy Beth Cruzan V. Director, Missouri Department Health, 1990* the holding recognised the Fourteenth Amendment as the basis for conferring upon the incompetent individuals a constitutionally protected liberty interest in refusing unwanted medical treatment (including nutrients and hydration), here the principle of autonomy or self-determination must be balanced against state interest the potential abuses by the surrogate decision makes will be guarded by the interests of patients.

In case of a patient's incompetency, a refusal of medical treatment must be exercised by the surrogate decision maker. Hence, a set of standards will be established by the statute to protect the interests of the patients and the evidence produced must be clear and convincing regarding the wishes of incompetent individuals.

Consequently, the Patient Self-Determination Act of 1990 was created, requiring all the nursing homes hospitals, home health agencies, health maintenance organizations and hospices that receive Medicaid and medical care funding to give adult patients and enrolees a statement of their legal rights to make decisions about their health care, including the ability to refuse treatment and to carry out an advance directive (*Patient Self-Determination Act, 1992*).

CONSENT OF ELDERLY: THE INDIAN DILEMMA

Consent is a moral and legal way to express one's fundamental right to autonomy and self-determination (Pugh, 2020) Treatment without the consent of the elderly person will be treated as a trespass to the person. He may be also sued for medical negligence only in extreme cases; the doctor will be sued for assault or battery. The position in tort law, the usage of force against a person irrespective of the quantum of force is actionable. Consent is an essential element in the treatment of a person or patient and a failure

to obtain consent will make a doctor liable under tort law. There is no need for written proof or no directive that a doctor should obtain penned consent from the patient.

RULES AND REGULATIONS IN MEDICAL COUNCIL OF INDIA

Regulation 7.6 of the Medical Council of India (Professional Conduct) needs written consent made mandatory. Two important aspects to be borne in mind

- a) The person must be competent
- b) The consent obtained from the person should be informed consent.

A person with sufficient maturity or of competent age can give a valid consensus to medical treatment. Therefore, if a person reaches the age of so-called maturity, the law presumes that an individual is capable, rational, autonomous, and free. To get the patient's consent, the doctor must, under no circumstances, fail, to explain all treatment-related information in a language that the patient can comprehend. The apex court of the nation laid down guidelines regarding informed consent in *Samira Kohli v. Prabha Manchandra Dr. & Anr.*, the court held that

“We are of the view that to nurture the doctor-patient relationship based on trust, the extent and nature of information required to be given by doctors should continue to be governed by the Bolam test rather than the ‘reasonable prudential test’ evolved in *Canterbury*. It is for the doctor to decide, concerning the condition of the patient, the nature of the illness, and the prevailing established practices, how much information regarding risks and consequences should be given to the patients, and how they should be couched, having the best interests of the patient. A doctor cannot be held negligent either regarding diagnosis or treatment or in disclosing the risks involved in a particular surgical procedure or treatment, if the doctor has acted with normal care, by recognized practices accepted as proper by a responsible body of medical men skilled in that particular

field, even though there may be a body of opinion that takes a contrary view.”

Hence no parameters are laid down by the Indian court in determining the quantum of information mandatory to be disclosed to the patient. The priority of the law is that the patient's autonomy will be given more importance. The problem with Indian patients is that the majority of elderly patients fall below the poverty line and are illiterate, and the access to medical care for elderly patients is borderline poor.

With a surge in the elderly population, it is the need of the hour to enact laws to govern the laws regarding the consent of elderly patients in India. Article 21 (*Jani & Nanavati, 2013*) of the Indian constitution confers the right to live with dignity hence it is the right of every elderly individual to live with dignity. Hence the right to self-determination of the patient is inherent provided by the Indian constitution. Loss of a patient's anatomy is not the result of illness but the failure of the caregiver to encourage the participation of patients in the decision-making process. Hence the individual patient's autonomy should be considered enabling the patient to attain social independence with the least amount of assistance. Hence it is necessary to balance the autonomy of the patient while protecting them from harm. The threshold of capacity that should be required should be more strict the more likely or significant the risk that the patient's decision poses. Research has shown that understanding differed directly with education and inversely with age, with older people demonstrating far lower understanding of consent information, which results in a state of diminished competence.

To combat this deficiency, physicians need to consider changing how they describe the risk to their patients and thereby assign a specific statistical probability to the possible medical or surgical outcome in question. The main criterion is that the patient must be able to make a rational or intelligent judgement regarding the information provided before him. It is generally undisputed that even educated

people have difficulty in understanding the medical conditions disclosed by the medical professional and the problem becomes even more compounded with ageing and medical disabilities. Hence in India, it is necessary to develop reliable and valid methods for determining the competency of the patient to give consent.

Negotiable consent is seen as a viable alternative where the capacity to consent is shared between different individuals and no single person has exclusive power to decision. Among the frail elderly negotiable consent serves to make the best alternative, In the case of an incompetent elderly the consent of the individual is governed by the Mental Capacity Act of 2017 where the competency of the individual is determined through international standards Ministry Of Law And Justice, 2017 and advanced directive can be made by an incompetent person which comes into effect as soon as a patient loses his capacity and the decision can be made by the nominee for the welfare of the patient. In areas where a patient with fluctuating competence is nonetheless competent, that patient's right to make decisions must be respected, according to the ethical concept of autonomy. The prevailing conditions of India's population dynamics thus demonstrate that legislation for the welfare of the fragile old suffering in the hazy area between competency and medical care needs to be passed soon.

CONCLUSION

India is home to 3.7 million dementia sufferers worldwide, and by 2030 (*The Guardian*, 2016) that figure is predicted to be doubled. Alzheimer's and other types of dementia are no longer the domain of the elite; instead, they are increasingly afflicting the elderly. Therefore, it is imperative to emphasize the autonomy of senior patients. Given that India is a nation with unique economic and social circumstances, where a public health care system is still a pipe dream, it is the state's responsibility to defend the rights and interests of the elderly population.

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A person does not automatically lose rights or interests just because they are incapable of giving permission. The vulnerability and dependency of the elderly should also be considered and it is necessary to establish a negotiated consent standard whereby the interests of the elderly, family and the institution are assessed and decisions regarding the elderly are made. With the ground realities faced by the elderly being abandoned by families, inability to quality health care, destitution and homelessness it is projected that approximately 20% of Indians will be elderly by 2050 whereas the efforts to develop a quality health care regimen for the elderly are insufficient. With only The maintenance and welfare of parents and senior citizens, available for safeguarding the elderly citizens of the nation, the government has a responsibility to protect the elderly and enact legislation that governs the consent of the elderly individuals regarding their treatment to create a welfare state as envisioned by the constitution.

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ISOLATION AND LONELINESS AMONG SENIOR CITIZENS: A CONCERN OF CRIME AGAINST SENIOR CITIZENS

By Dr. Yatish Pachauri^{9*} & Ms. Soumya Srivastava^{10*}

ABSTRACT

The right to Life also encompasses the Right to Dignified life at every stage of human being. Every Human Being who is born continues to get old. Unfortunately, due to the nuclear family concept, isolation of old age parents and loneliness are emerging issues among senior citizens. This concern is not only affecting Senior citizens but also a concern among politicians and policymakers who aim to protect them from any harm. This old age population is growing rapidly due to increased life expectancy and falling birth rates. The isolation and loneliness jeopardized these groups in many ways firstly they were separated from their family members and secondly, they were all alone at this vulnerable stage when they required most of the support from their family members. This isolation at this stage is more harmful than any deadly disease and poses a serious threat to society. This isolation is identified by the lack of societal interactions and being a part of any societal activities, whereas loneliness is a feeling and emotion of being alone even when you are surrounded by many people. This is affecting both the mental and physical health of old age people. This is the main reason that the crimes against senior citizens are increasing day by day in every city, and due to this, they are the easiest target to attack to get financial gains and victims of any criminal offence. Sometimes it is incredibly challenging for senior citizens to maintain themselves

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because they have no means of earning a livelihood, and their Sons/Daughters are not ready to take care of them. This could be again very disheartening and sometimes makes the situation worse and compels them to do any type of work to earn two meals in a day.

This Paper emphasizes issues and challenges faced by senior citizens who stayed alone or deserted by their kids. This paper also sheds light on causes and probable solutions to handle the situation more efficiently in a way to get the best out of it for the benefit of senior citizens.

Keywords: Senior Citizen, Isolation, Loneliness, Maintenance of Senior Citizens, Victims, Right to Dignified Life.

INTRODUCTION

"Old age is not a disease; it is strength and survivorship, triumph over all kinds of vicissitudes and disappointments, trials and illnesses."

- Maggie Kuhn

Every citizen is independent and enjoys their democracy. But we forgot the efforts that have been made by Ancestors and Grandparents. Many of us believe that having old age parents is a burden on us and may create obstacles in our career growth. Based on information from the National Commission on Population, in 2011, approximately 9% of India's population consisted of senior citizens. This demographic is rapidly growing and is anticipated to potentially double, reaching around 18% by 2036. It is imperative to initiate future-oriented planning now to ensure that the citizens of India can secure a dignified standard of living for the elderly, as mandated by Article 21 of the Indian Constitution (*Quality of Life for Elderly Index*, 2021).

Following independence, life expectancy in India soared from 32 years to nearly 70 years (Statista, 2022). However, the current life expectancy has declined to around 60 years (Admin, 2021). Women have gained freedom from the burdens of frequent pregnancies and childcare, with the fertility rate dropping from approximately six children per woman to just two. Despite these positive developments, the ageing population poses a fresh set of challenges (*Quality of Life for Elderly Index*, 2021).

The “Maintenance And Welfare Of Parents And Senior Citizens Act 2007” was passed by the Indian government to fulfil Article 41 of the Indian Constitution's obligation to safeguard the interests of the elderly. Isolation and feeling alone are not just feelings; rather, they are acute representations of a societal problem that requires not just our attention but also the creation of laws and regulations by lawmakers to protect senior citizens.

Senior Citizen

A crucial asset for any community is its senior citizens. Aging is a natural progression that brings about both advantages and drawbacks. According to the 2011 Census, India has a population of 104 million individuals aged 60 and above, constituting 8.6% of the total population. The elderly, aged 60 and beyond, are more predominantly female than male (*World Health Organization*, 2020).

Due to extended lifespans, reduced multi-generational living, and a weakening social structure, seniors are at a higher risk of experiencing neglect and loneliness. It is recommended to adopt a healthy lifestyle by abstaining from alcohol, tobacco, and other addictive substances, engaging in regular exercise, and maintaining a balanced diet. As we grow older, maintaining a positive mindset and seeking mental health support contribute significantly to our overall well-being (*WHO*, 2020).

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The Indian government's guidance on catering to the requirements of senior citizens is outlined in the National Policy on Older Persons 1999, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the National Policy for Senior Citizens 2011. Specialized healthcare services for the elderly are accessible at wellness centres through the National Programme for Health Care of the Elderly and the Health and Wellness Centres initiative under the Ayushman Bharat program, primarily within the primary healthcare system (WHO, 2020).

In recent years, the field of medical science has identified a unique group among the elderly known as super-agers. This term characterizes individuals in their 70s and 80s who exhibit mental or physical capabilities typically associated with much younger age groups. With the global population ageing, projections indicate that by 2030, 34 countries will have over 20% of their citizens aged 65 and above. Ongoing research into super-agers spans various regions and emphasizes the daily routines, behaviours, and health indicators of those under 90.

This investigation extends beyond individuals facing cognitive decline, also encompassing insights into the aspects of healthy ageing. As research delves into aspects like overall health, family background, and psychological elements, it's crucial to emphasize enhancing and directing holistic care strategies rooted in communities, specifically tailored to the needs of elderly individuals, and characterized by effective coordination and enduring care systems. This holds universally, but it's especially significant in nations experiencing aging and super-aging demographics. (WHO, 2020).

Data about Senior Citizens in terms of Population.

The elderly population includes people aged sixty-five and over. The share of the dependent population is calculated as the sum of the elderly and young populations compared to

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the total population. The elderly dependency rate is defined as the ratio of the elderly population to the population of working age (15-64 years). The variations in the definition of regions and the variable nature of the geography of rural and urban localities, both within the same country and from one country to another, influence the comparability of data relating to the elderly population.

In each country, the elderly population is concentrated in a few areas, which means that a small number of regions face various specific social and economic issues related to population ageing. These demographic trends are not without consequences on public and private spending on retirement, health, and education, but also, more generally, on economic growth and well-being. This indicator is measured as a percentage of the population for four representations from 2000 to 2007, 2008 to 2016, 2017 to 2019, and 2020 to 2022.

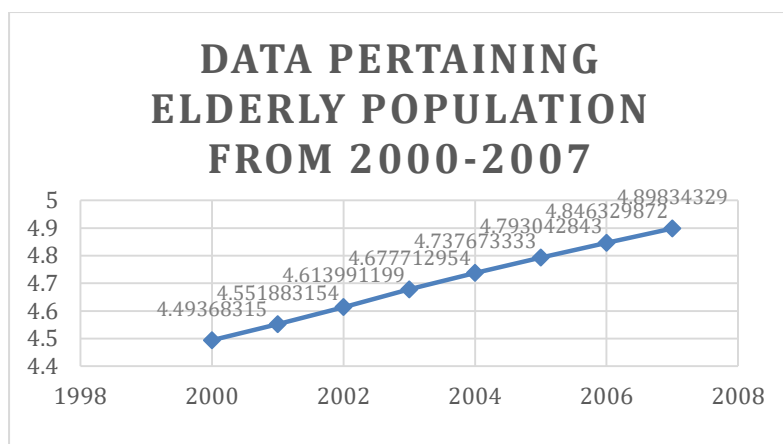


Figure A: Data Pertaining Elderly Population From 2000-2007.

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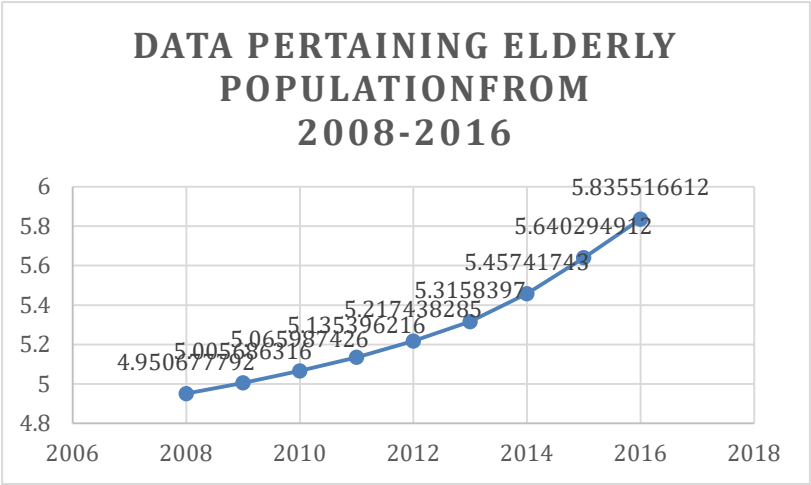


Figure B: Data Pertaining Elderly Population From 2008-2016.

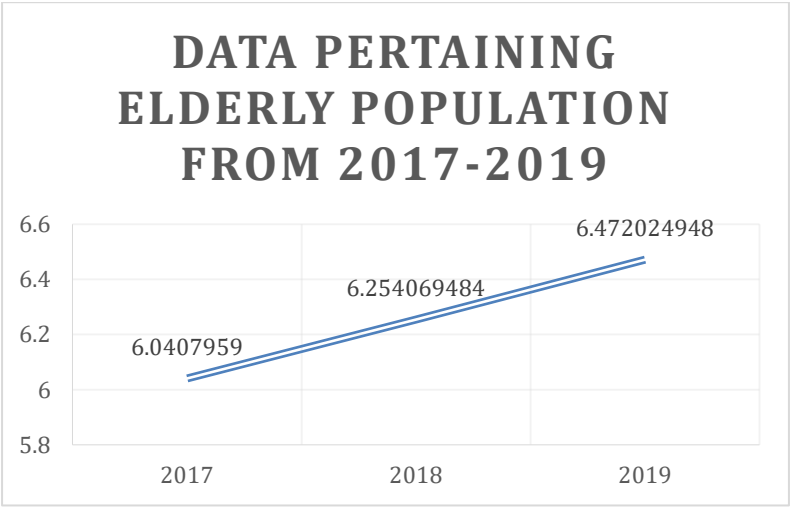


Figure C: Data Pertaining Elderly Population From 2017-2019.

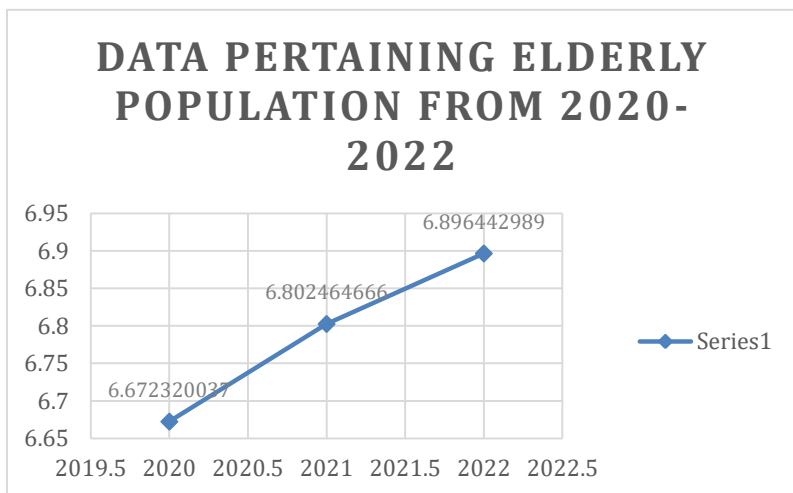


Figure D: Data Pertaining Elderly Population From 2020-2022

Loneliness And Isolation

Loneliness and isolation affect all age groups. You may be lonely and feel isolated among many people around you. You may be in the middle of your teenage or adulthood or as an older adult abandoned and left by your family members as their visits become less and less frequent (Smith, 2023).

This is a subject matter of concern irrespective of when and where you live. Some experts and studies even pointed out that some countries are facing loneliness and isolation epidemics. A study in England pointed out that approx. 45 per cent of adults felt lonely to some extent. Further, in the United States (U.S.) also there is a survey in which it was found that 61 per cent of adults are lonely and isolated (Smith, 2023).

Loneliness also impacts the physical and mental health of every human being. Sometimes due to isolation and loneliness, it's also a risk to the life of an individual. Some people commit suicide when they don't have anyone to hear of it.

Even the crimes against elderly people have increased these days. As per the studies conducted by NCRB in the city of Delhi in the year 2021, the cases related to theft are 659 in number then forgery, cheating and fraud are 153 (Agarwal, 2022). This data is too alarming as this is incredibly challenging because many of the cases were not reported by elderly people because of many reasons.

In many metropolitan cities, elderly people are subjected to too many physical abuses and that is committed by their dear and loved ones from the family and trustworthy people.

Timeline of Indian Statutes

Timeline of laws about the protection of the Rights of Senior Citizens:

- **In 1987** - Maintenance and Welfare of Parents and Senior Citizens Act:
 - Enacted to provide maintenance and welfare of parents and senior citizens.
 - Initial legislation to address issues related to the welfare and maintenance of senior citizens.
- **In 2007** - Maintenance and Welfare of Parents and Senior Citizens Act (Amendment):
 - Introduced amendments to enhance the legal provisions for the welfare and protection of senior citizens.
 - Included provisions for the establishment of old age homes, setting maintenance norms, and penalizing neglect of senior citizens.
- **In 2011** - National Policy for Older Persons:
 - Formulated to outline the overall framework for the welfare of older persons in India.
- **In 2019 - Amendments proposed in 2019.**
 - Further the amendment bill was proposed in the year of 2019 whereas the definition of children's parents all have been updated.

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- The number of ways to submit maintenance applications has been increased senior persons above the age of 80 have been given priority in the application process.
- ₹10,000 maintenance ceiling has been eliminated. Standards for senior citizen care facilities have been increased and stop noodle police officers for senior citizens have been established at the district level. Senior citizen helpline has been included.

ISSUES WITH SENIOR CITIZENS

Problems Associated With Old Age.

Social:

The fabric of Indian society is rapidly evolving due to industrialization, urbanization, technological advancements, education, and globalization. This transformation has led to the erosion and adaptation of traditional values and institutions, weakening intergenerational ties within families. Industrialization's impact, replacing traditional family production units with mass production, has disrupted family dynamics. Elderly parents often face neglect as their children grapple with changing priorities post-retirement. Recognizing these challenges is crucial, prompting a collective effort to bridge generational gaps, provide emotional support to the elderly, and foster a more inclusive society.

Financial:

The multifaceted challenges faced by the elderly in Indian society demand attention. The retirement phase often results in dependency on children, straining intergenerational relationships. Increased out-of-pocket expenses for medical treatment impact financial well-being. The migration of the working-age population from rural areas leaves the elderly alone, exacerbating feelings of poverty. Inadequate housing compounds the issues. Addressing these challenges requires

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a comprehensive approach involving social and economic support systems, accessible healthcare, and elder-friendly housing options.

Health:

Old age brings challenges like multiple disabilities, impacting overall well-being. Common health issues include blindness, locomotor disabilities, and deafness, limiting independence. Mental health concerns stemming from senility and neurosis further complicate ageing. The lack of geriatric care facilities in rural areas creates barriers to specialized healthcare. Addressing these challenges necessitates the development of comprehensive and accessible geriatric care programs, especially in rural communities.

Crimes Against Senior Citizens:

Crimes against seniors, termed elder abuse, encompass physical, emotional, financial, and sexual abuse, as well as neglect. Financial exploitation involves unauthorized use of funds, while physical abuse can lead to pain and injury. Emotional abuse causes mental distress, and neglect involves failing to meet basic needs. Sexual abuse constitutes non-consensual sexual contact. Vigilance and proactive reporting are crucial to protecting seniors from these crimes.

Below is the data published by the National Crime and Records Bureau from 2020 to 2022 in all States and Union Territories of India. Here Senior Citizen's age is 60 years and above.

Crime against Senior Citizen (60 Years & Above) (State/UT-wise) - 2020-2022

State/UT	2020	2021	2022	Actual Senior Citizen Population (in Lakhs) (2011)	Rate of Total Crime against Senior Citizen	Charge sheeting Rate (2022)
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						(2022)	
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]
STATES:							
1	Andhra Pradesh	1860	1818	2114	48.3	43.7	83.4
2	Arunachal Pradesh	0	8	7	0.6	11.0	66.7
3	Assam	6	5	6	20.8	0.3	85.7
4	Bihar	322	150	252	77.1	3.3	98.9
5	Chhattisgarh	1533	1408	1632	20.0	81.4	88.7
6	Goa	31	50	35	1.6	21.4	85.1
7	Gujarat	2785	872	608	47.9	12.7	91.3
8	Haryana	650	1056	1574	21.9	71.7	42.1
9	Himachal Pradesh	394	419	287	7.0	40.8	85.3
10	Jharkhand	2	32	62	23.6	2.6	56.5
11	Karnataka	853	1442	1583	57.9	27.3	77.8
12	Kerala	699	671	1023	41.9	24.4	91.3
13	Madhya Pradesh	4602	5273	6187	57.1	108.3	93.8
14	Maharashtra	4909	6190	5059	111.1	45.5	66.1
15	Manipur	7	8	3	2.0	1.5	-
16	Meghalaya	3	3	0	1.4	0.0	-
17	Mizoram	8	5	9	0.7	13.1	100.0
18	Nagaland	11	8	11	1.0	10.7	80.0
19	Odisha	326	210	551	39.8	13.8	82.9
20	Punjab	289	335	314	28.7	11.0	76.9
21	Rajasthan	648	363	278	51.1	5.4	41.9
22	Sikkim	2	2	5	0.4	12.3	100.0
23	Tamil Nadu	1581	1841	2376	75.1	31.6	81.4
24	Telangana	1575	1952	2181	34.4	63.3	72.4
25	Tripura	13	8	12	2.9	4.1	71.4

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26 Uttar Pradesh	353	423	410	154.4	2.7	87.6
27 Uttarakhand	4	7	14	9.0		87.5
28 West Bengal	344	304	403	77.4		98.6
TOTAL STATE(S)	23810	24863	26996	1015.4		79.2
UNION TERRITORIES:						
29 A&N Islands	17	14	27	0.3		81.5
30 Chandigarh	43	22	74	0.7		70.0
31 D&N Haveli and Daman & Diu	0	4	8	0.3		66.7
32 Delhi	919	1167	1315	11.5		34.7
33 Jammu & Kashmir	5	40	118	9.0		73.7
34 Ladakh	0	0	0	0.2		-
35 Lakshadweep	0	0	0	0.1		-
36 Puducherry	0	0	7	1.2		00.0
TOTAL UT(S)	984	1247	1549	23.1		40.3
TOTAL ALL INDIA	24794	26110	28545	1038.5		77.5

+ ' Crime Rate is calculated as Crime per one lakh of population.

Factors Responsible for Crimes Against Senior Citizens

Our nation is intriguing as it holds a culture of respecting older individuals, yet it is also a transgression to be old. There is a heightened risk to the lives of the elderly in our country, despite proudly embracing the great principles of humanism. While senior individuals have not been entirely cast aside by societal norms, they are often left without resources and perceived as vulnerable in their homes.

Factors like migration, urbanization, industrialization, and globalization have led to a scramble for space in cities, resulting in elderly people being left behind as their children pursue preferred lifestyles. The elderly become soft targets

for **several reasons**, primarily due to their dependence on others, declining health, infirmity, or disabilities. Despite needing tender care and love, they often face neglect, humiliation, and various forms of abuse, including discrimination and mistreatment.

Urbanization has contributed to a rise in crimes against the elderly, as migration and the prevalence of nuclear families leave older parents vulnerable and alone. Criminals view the elderly as easy targets due to their physical frailty and reduced ability to defend themselves, leading to various crimes such as murder, financial crimes, fraud, burglary, and emotional abuse. Despite their reduced physical activity, the elderly population is considered crucial to our nation, as their life experiences bridge the gap between the traditional and modern worlds.

Legal Issues:

Legal challenges for seniors include elder abuse, financial exploitation, end-of-life decisions, guardianship, housing rights, healthcare disputes, estate planning, consumer protection, social security disputes, discrimination, and long-term care issues. A combination of legal protections, advocacy, and education is essential to safeguard the rights and well-being of senior citizens.

Rights Of Senior Citizens As Per United Nations

1. Independence: Seniors have the right to autonomy, making choices about their lives.
2. Participation: They should participate in societal activities, contributing to mental and emotional health.
3. Care: The right to receive necessary physical, emotional, and medical support.
4. Self-fulfilment: Seniors have the right to pursue interests and personal growth.
5. Dignity: The right to be treated with respect, compassion, and sensitivity, preserving privacy and protecting against

discrimination. Upholding these rights is crucial for seniors to age with grace and respect.

Government Of India Initiatives

The Ministry of Social Justice and Empowerment is dedicated to ensuring equitable treatment for individuals who have faced injustice, discrimination, exploitation, and social inequality. Within the Ministry, the Social Defence Division focuses on addressing the needs of senior citizens, homeless or destitute individuals, those affected by alcoholism and drug abuse, and transgender people (*Justice, 2023*).

In collaboration with State Governments and Union Territory Administrations, the Ministry formulates and executes Acts, Policies, and Programs aimed at ensuring the well-being of senior citizens, thereby ensuring their ability to lead secure, dignified, and meaningful lives (*Justice, 2023*). The Indian government has recently introduced a variety of policy initiatives dedicated to enhancing the quality of life for the elderly (*Ministry of Social Justice & Empowerment, 2022*).

Policies

“Integrated Programme For Older Persons (IPOP)”:

The “Ministry of Social Justice and Empowerment” functions as the central agency overseeing initiatives related to the well-being of senior citizens. The main objective of the program is to improve the overall quality of life for elderly individuals by providing essential services such as food, housing, healthcare, and recreational activities.

“Rashtriya Vayoshri Yojana (RVY)”:

The administration of this initiative falls under the purview of the Ministry of Social Justice and Empowerment. Financial support for this central government scheme is facilitated through the Senior Citizens' Welfare Fund. The fund's announcement was issued in 2016. Senior citizens belonging to the Below Poverty Line (BPL) category, experiencing age-related challenges like diminished vision,

hearing loss, tooth loss, and locomotor impairments, are entitled to receive assistance and assistive living devices through the RVY program (*Ministry of Social Justice & Empowerment, 2022*).

The initiative known as Artificial Limbs Manufacturing Corporation of India (ALIMCO) is being conducted under the Ministry of Social Justice and Empowerment (*Ministry of Social Justice & Empowerment, 2022*).

“Varishtha Pension Bima Yojana (VPBY)”:

The administration of this initiative falls under the purview of the Ministry of Finance. Initially launched in 2003 and subsequently reintroduced in 2014, these two social security programs cater specifically to senior citizens. They aim to ensure a guaranteed minimum income by establishing a baseline return on the subscription amount.

In May 2017, the Pradhan Mantri Vaya Vandana Yojana (PNVVY) was introduced as part of the ongoing efforts to provide social security to the elderly. This program represents a more streamlined version of the VPBY and will be administered by the Indian Life Insurance Corporation (LIC) (*Ministry of Social Justice & Empowerment, 2022*).

“Vayoshreshtha Samman”:

On the International Day of Older People on October 1st, the nation acknowledges and honours commendable organizations and senior citizens across various categories. As part of ensuring the welfare of retirees, the government has directed all Pension Disbursing Banks to identify pensioners who have not submitted their Life Certificates by December 1st each year. To avoid any oversights, the banks will send alerts to these individuals through email or SMS, reminding them to fulfil this requirement. Furthermore, the banks will inquire if these seniors would be interested in utilizing a cost-effective doorstep service for submitting their life certificates. (*Ministry of Social Justice & Empowerment, 2022*).

“Sampann Project”:

In 2018 witnessed the launch of this project. For retirees of the Department of Telecommunications, the online pension processing and payment system operates seamlessly. It allows pensioners to get their pension directly into their bank accounts.

“Sacred Portal For Elderly”:

The creation of the portal was spearheaded by the Ministry of Social Justice and Empowerment in 2022. Individuals aged 60 and above have the option to enrol on the platform to explore employment and work prospects (*Ministry of Social Justice & Empowerment, 2022*). The portal was developed by the Ministry of Social Justice and Empowerment (*Ageing in India: State of the Elderly, n.d.*).

“Elder Line: Toll-Free Number For Elderly”:

The “Ministry of Social Justice and Empowerment” officially introduced the country's inaugural nationwide toll-free helpline, referred to as the “Elder Line,” reachable at 14567. Its primary objective is to provide guidance, information, emotional assistance, and timely assistance in instances of abuse. (*By Our Bureau, 2021*).

Seniors seeking information on pension plans, legal matters, and assistance for homeless elderly individuals can reach out to the “Elder Line.” The Ministry emphasizes that the primary objective of this initiative is to provide a unified platform for all elderly individuals and their caregivers to access nationwide support and information for their daily challenges. The Elder Line is specifically designed to serve as a centralized communication channel, allowing elderly adults and their caregivers to express concerns, seek information, and receive guidance on a wide range of issues encountered daily throughout the country (*Ageing in India: State of the Elderly, n.d.*).

“Sage (Seniorcare Ageing Growth Engine) Initiative”:

It serves as a comprehensive platform offering access to trustworthy products and services for senior care startups. The initiative was launched to aid individuals contemplating the establishment of their ventures in the field of elderly care (*Ageing in India: State of the Elderly*, n.d.).

Status Of Government Policies Issues

The National Social Assistance Program (NSAP):

- This limits eligibility to families labelled as "Below the Poverty Line" (BPL), including some individuals as young as 20. However, this restriction relies on outdated and unreliable BPL data.
- When it comes to old-age pensions, the concept of targeting is not a new one, but there are substantial exclusion errors in BPL lists. One contributing factor is that targeting often relies on household indicators rather than individual ones.
- Conversely, an elderly or widowed individual may experience significant hardships even if they reside in a relatively affluent household.

“Complicated Formalities”:

- The targeting process often includes complex formalities, such as the requirement for BPL certificates and other documentation, as has been observed in the case of NSAP pensions.
- These formalities can be especially daunting for elderly individuals with limited incomes or educational backgrounds, who are the ones most in need of a pension.
- Furthermore, even when lists of individuals who were likely eligible but excluded were submitted to local

administration, only a small number were granted pensions, highlighting persistent obstacles within the existing scheme.

“Stagnant Contribution”: Since 2006, the primary allocation for old-age pensions within the National Security Assistance Program (NSAP) has stagnated at a meagre Rs. 200 per month, while widows receive a slightly higher yet still nominal Rs. 300 per month. Nevertheless, various states have utilized their funds and initiatives to enhance the extent and amounts of social security pensions beyond NSAP recommendations. Some states have achieved almost universal coverage, reaching approximately 75–80% for widows and elderly individuals.

CONCLUSION

In summary, the state of government initiatives for senior citizens in India presents a nuanced picture of both progress and challenges. While numerous programs aim to enhance the well-being of the elderly, there are notable issues requiring attention for more holistic support. A primary concern involves exclusion errors tied to below-poverty-line criteria, relying on outdated lists, and deterring deserving individuals from accessing essential benefits.

Additionally, the stagnant old-age pension contributions, unchanged for over a decade, pose challenges in sustaining a decent quality of life amid economic shifts. Further staying alone also increases the crime against senior citizens which is a serious threat to society. Despite hurdles, some states have commendably expanded coverage and pension amounts, highlighting potential positive changes within the current system. Addressing exclusion errors, simplifying formalities, and increasing financial support are crucial policy reforms needed to ensure dignified lives for the elderly. A more inclusive approach is imperative for upholding the rights and dignity of the elderly population, recognizing their contributions and fostering a society where ageing is met with grace and respect.

SUGGESTIONS

- Supporting the elderly involves extending financial assistance to meet their daily requirements.
- Providing spiritual guidance and recognizing their legitimate aspirations for essentials like food, clothing, shelter, travel, healthcare, education, culture, information, and personal communication is integral.
- Anticipating the challenges posed by an ageing population is vital for our nation.
- Formulating effective social and economic policies is imperative to mitigate adverse consequences resulting from this demographic shift.
- There is a critical necessity to analyse the evolution of social policies for the elderly, both in adapting society to an ageing population and aiding older individuals in navigating societal changes.
- Implementing appropriate redistributive policies is crucial for judicious allocation of limited resources in elderly social programs.
- Prioritizing women's issues is paramount in shaping social policies for the elderly, acknowledging their increased vulnerability due to longer life expectancy.
- Equipping individuals in earlier age groups to maintain good physical and mental health and remain active in family and community life during the ageing process is essential.
- Establishing stronger collaborations between civil society, communities, and families is necessary to complement government initiatives in this context.

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SPIRITUALITY IN LAW: ENHANCING THE RIGHTS OF SENIOR CITIZENS

By Yash Kumar Sharma ^{11*}

ABSTRACT

This paper explores the integration of spirituality into legal frameworks to bolster the rights and well-being of senior citizens. While traditional legal provisions address fundamental rights and protections, they often overlook the holistic needs of aging individuals, including their spiritual and existential concerns. Drawing on insights from various disciplines such as psychology, sociology, and religious studies, this study proposes the supplementation of existing legal frameworks with provisions that recognize and respect the element of spirituality into law not only to protect the rights of seniors but also to create a positive atmosphere around them. By acknowledging the significance of spirituality in promoting mental, emotional, and physical health, lawmakers can design policies that foster environments conducive to the spiritual growth and fulfilment of older adults. Through case studies and comparative analyses of existing legal approaches, this paper illustrates the potential benefits of incorporating spirituality into legislation aimed at safeguarding the rights and dignity of senior citizens.

The paper will also take into consideration the issues of secularism, right to religion, UCC etc. It will propose the suggestions to add spirituality to promote elders rights but in compliance with constitutional mandate. Ultimately, this interdisciplinary approach seeks to cultivate a more inclusive and compassionate legal system that addresses the

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multifaceted needs of aging populations in contemporary society.

Keywords: *Spirituality, Secularism, Constitution, Four Pillars, Suggestions.*

INTRODUCTION

Senior citizens are a demographic group generally defined as those aged 60 and above. Regarding wisdom & experience, the Seniors offer a wealth of life experience and accumulated knowledge, providing valuable insights to younger generations. (Rokach et al., 2020) By this, they contribute immeasurably to the fabric of society. They help in preserving our cultural traditions by passing down stories, customs, and knowledge, thereby maintaining cultural heritage. (Rath, 2023)

Seniors contribute significantly to the economy through their spending on goods, services, and healthcare. Many Seniors engage in volunteer activities, supporting charitable causes and community initiatives. It provides help to the needy and vulnerable people of our society who do not have any source of guidance. Senior citizens often advocate for healthcare and well-being issues, raising awareness, to benefit the aging population. The *UNPF India Ageing Report 2023* estimates that the elderly population in India is set to double i.e., rising from 10.5% (14.9 crore) in 2022 to 20.8% (34.7 crore) by 2050. (Nirula, 2023)

We need to support our elders and Backing them involves offering economic aid, caregiving, and spiritual encouragement, while also respecting their valid aspirations to meet essential needs such as shelter, nutrition, clothing, cultural engagement, travel, health, education, information, and personal communication. (Dhanuraj et al., 2023) By ensuring these, their rights can be protected but if we want to work on the roots, to ameliorate their conditions, we need the

element of 'spirituality' as well which will be dealt with in the later part of this paper.

HISTORICAL PERSPECTIVE ON ELDERS

In India, respect for elders has a rich and highly ingrained cultural history that extends back thousands of years. (Mukherjee, 2015) In Indian society, the *concept of "Guru" or Teacher*, which includes not just educators but also Senior-Citizens, has been fundamental. Indian civilization, dating back to the Indus Valley and Vedic periods, emphasized the importance of respecting elders. The Vedas, ancient sacred texts, mention the virtues of honouring one's parents and teachers. The concept of dharma, or one's duty, has been central to Indian philosophy. Honouring and providing for one's parents, particularly in their later years, is regarded as a sacred responsibility known as "*pitru-dharma*". In the past, India maintained a robust joint Hindu family structure, fostering the cohabitation of multiple generations in a single household. (Yadav, 2022)

Across the sweep of history, from ancient times to the contemporary era, the value of respecting elders has been upheld by influential figures. In antiquity, luminaries such as *Confucius* in China and *Socrates* in Greece underscored the significance of venerating the wisdom that comes with age. The medieval period witnessed individuals like *Eleanor of Aquitaine*, a 12th-century queen, seeking the counsel of elders in matters of governance. The Renaissance and Enlightenment saw figures like *Leonardo da Vinci* and *Voltaire*, who, while contributing to art and thought, demonstrated respect for the knowledge of their predecessors. In subsequent centuries, leaders like *George Washington* and *Napoleon Bonaparte* drew on the wisdom of elders in navigating complex political landscapes. Moving into the 20th century, *Nelson Mandela's* resistance to apartheid in South Africa and *Queen Elizabeth II's* commitment to tradition exemplified the continued importance of respecting elders. In the contemporary era,

global figures like *Mahatma Gandhi*, *Swami Vivekananda*, and especially *Malala Yousafzai* who have advocated for education and women's rights embody a broader respect for diverse perspectives and the experiences of older generations. These individuals, among many others, have left an indelible mark on history while acknowledging the profound contributions of those who preceded them. Our age-old scriptures have also provided rights for Senior citizens and assigned duties to the younger generations.

AGE-OLD SCRIPTURES ON SENIOR CITIZENS

Scriptures about Hinduism, Buddhism, Christianity, Jainism, and Sikhism provide the importance of respecting elders. (*Raj et al., 2022*) In India, where Hinduism is predominantly practiced, where *Ramayana* era exemplifies deep respect for elders, notably seen in *Ayodhya Kanda*, *Sarga IV*, as Lord Rama underscores his commitment to fulfilling his father's command. Hindu scriptures, including *Manusmriti*, the *Mahabharata*, and the *Bhagavad Gita*, emphasize the importance of honouring elders, and promoting their well-being and dignity. In *Mahabharata* and the *Ramayana*, revered elder figures such as *Bhishma*, *Bharat*, *Lakshman*, *Yudhisthir*, *Arjun* etc were the characters who embody the ideals of respect, honour, and duty. The *Manusmriti* (2.120) advises against despising parents and siblings, while the *Mahabharata* underscores the gravity of disobedience. The *Bhagavad Gita* (17.14) outlines the austerity of the body, including respect for the elderly. The *Atharva Veda* seeks wisdom from elders. With the Muslim population at 14.2%, the *Quran* (17:24) advocates humility and mercy toward parents. Beyond Hindus, Muslims, Sikhs, and Christians, others also endorse respect for elders. The *Guru Granth Sahib* (Ang 744) stresses unwavering wisdom by recognizing the Guru as the Lord. The *Bible* (Proverbs 23:22) instructs us to listen to parents who gave life, refraining from despising them in old age. Despite diverse faiths, these scriptures collectively underscore the universal value of honouring and protecting the rights of Senior citizens. These

verses highlight the reverence for elders, acknowledging their wisdom and the duty of younger generations to treat them with respect and care.

The paradox arises when a substantial portion of the Indian population practices religion as a cornerstone of their lives, yet incidents of atrocities against Senior citizens persist. (Vasanth, 2022) This raises poignant questions about the societal fabric and their sincerity of faith in the deities, given that many scriptures, such as those attributed to Krishna, the Prophet, Jesus Christ, and Guru Govinda, explicitly advocate respect for elders. Exploring the root causes of these issues has become essential and assessing whether existing laws can adequately address them.

Paradox also arises when we all have one common goal (Peace and security) so why can't there be a law supplemented by a system which fills the gaps of laws of our already existing society, especially regarding the younger generation? Whether spirituality can be a supplemental factor. For that, we need to examine this by the test of whether the promotion of 'Spirituality' is secular. If yes then we will look at whether spirituality has the potential to address these challenges about Senior citizens. The analysis will extend to understanding whether the principles of secularism pose a hindrance to spirituality and if UCC is necessary before implementing spiritual measures. If both UCC and secularism are not impediments, the question arises: can the principles of spirituality effectively safeguard the rights of Senior citizens? It will be dealt with in the later part of this research after understanding present laws about seniors as well as understanding the role played by the judiciary and whether it is sufficient or we need recognition of "Spirituality as a Fifth Pillar of Our Democracy".

MISSING ELEMENT IN SENIORS-CITIZENS LAWS

*The Maintenance and Welfare of Parents and Senior
Citizens Act, 2007 (Hereinafter MWPSCA)*

The Act aims to improve maintenance provisions for seniors and parents, enabling both parents and senior citizens, regardless of age, to seek support from their children or legal heirs, respectively. (Behera, 2021) The application process is simplified, and the Tribunal, led by a Sub Divisional Officer, must decide within 90 days. The Act restricts legal representation, preferring a maintenance officer. Notably, it encourages conciliation before legal proceedings to maintain family sanctity. The State Government may establish old age homes, although this is discretionary. The Act mandates medical care, ensuring beds, separate queues, and specialized clinics for Seniors. To prevent abuse, property transfers to caretakers are deemed void if basic needs aren't met. Offences, like abandoning Senior citizens, are punishable with imprisonment or fines, and all offences are cognizable and tried summarily by a Magistrate these elders need not go so far, as a remedy at the local level is available.

Criticism of Act 2007

The Act, while displaying a commendable effort to safeguard the rights of elderly individuals, faces several drawback. The monetary relief capped at ₹10,000 appears inadequate for those in urban areas or with substantial medical expenses, creating a significant loophole. The exclusion of legal professionals and civil court jurisdiction is criticized, with suggestions for optional legal participation and retaining court oversight. The appointment of Sub-divisional officers as Tribunal presiding officers is questioned, as administrative burdens may compromise legal expertise. (Jha, 2023)

The Act's allowance for the optional establishment of old age homes and ambiguity regarding responsibility for childless Senior citizens raise concerns. Grey areas in international NRI cases and impractical stipulations for inheriting relatives demand clarification. Most of the above issues have been addressed by the amendment bill of 2019, which has not yet been implemented. The Bill addresses issues such as increasing monetary relief, providing clarity on

responsibilities, and establishing effective counselling centres. Furthermore, emphasis on public awareness, active NGO participation, and state-led initiatives to implement and enforce the Act are essential for its success in protecting Senior citizens' rights. It is still concerning that there's a lack of provisions for Seniors without relatives or income, and the absence of defined standards for Senior care homes is an issue. Adequate support for mental health issues like dementia, depression, and Alzheimer's is crucial. (Issac *et al.*, 2023) Advocacy for improved policies and resources in this area is essential to address these gaps.

Other Laws and Schemes

There are other laws as well which are also required to be reevaluated. The DV Act specifically protects elderly females from domestic abuse. Relevant sections in the *Indian Penal Code* address offences like elder abuse and neglect. The *Mental Healthcare Act, of 2017*, recognizes and addresses mental health concerns affecting the elderly. *The Consumer Protection Act, of 2019*, ensures protection for Senior citizens as consumers. *The National Policy for Senior Citizens, 2011*, outlines fundamental principles for their overall well-being. Additionally, state-specific laws complement these measures, providing further support. Maintenance Tribunals help resolve disputes, and the *Senior Citizens Savings Scheme, 2004*, offers secure financial investment avenues. Acts like the *National Trust Act, of 1999*, and the *Disabilities Act, of 1995*, cater to the welfare of Senior citizens with disabilities. Schemes such as the *National Old Age Pension Scheme (NOAPS)* provide financial support to destitute elderly individuals. Ongoing initiatives like the *Integrated Program for Older Persons (IPOP)* and proposed legislations like the *Senior Citizens Act, of 2019*, demonstrate a commitment to evolving legal frameworks.

"Strict laws reflect the image of our society"

We can't deny the positive role of these laws & policies regarding elders but at the same time, we also need to focus on their efficiency. Strict laws show that society is negligent in many aspects which is why the law has come to regulate them, especially when they are ignoring or mistreating the elders and the law is making efforts to regulate the perpetrators. The Irony is when there are strict Laws supposed to give more positive outcomes i.e. crimes, more respect for elders, etc, still the crimes rise against elders. It poses the question that the society has no fear of the law. The purpose of the law, inter alia, is creating a deterrence or fear among the society towards committing crime. (Mazarr, 2020)

NCRB data reveals, in 2022, that 28,545 cases were reported against Senior citizens (aged above 60 years), indicating a 9.3% increase compared to 2021. Madhya Pradesh recorded the highest number of cases with 6,187, followed by Maharashtra (5,059), and Tamil Nadu (2,376). Delhi experienced a 13% surge, reaching 1,315 cases in 2022. (Khan, 2023) The reported cases include 1,269 murders, 83 culpable homicides, and 431 attempted murders targeting senior citizens. Tamil Nadu recorded the highest murder count (198), followed by Maharashtra (183) and Madhya Pradesh (128). Disturbingly, Delhi witnessed 22 Senior citizens falling victim to murder in 2022. So all these facts pose a question on our existing penal laws which are regulating society regarding elders' rights. It also shows we are in dire need of changing the strategy of solely relying on Penal and policy laws regarding elders as this article is proposing to include the element of 'Spiritual Awareness' among the society, especially children and youngsters. The 'Spirituality' will be discussed later.

Supportive Financial Schemes

While considering the above observation relating to rising crimes the question arises, can the existing pension schemes

for older people be sufficient to reduce the crimes against Senior citizens? As we have seen, punishment and maintenance are not an adequate remedy for elders. Is there any nexus between a reduction in crimes and supportive financial schemes? If there is a nexus then to what extent? Do we need some other element to supplement the sole purpose of both i.e. law and pension schemes?

The purpose of any scheme is dedicated towards the welfare of people. For Senior citizens, we have many schemes such as, such as the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), National Social Assistance Programme (NSAP), Annapurna Scheme, Varishtha Pension Bima Yojana (VPBY), and Pradhan Mantri Vaya Vandana Yojana (PMVVY), are designed to provide financial assistance and support to Senior citizens. While these schemes support the elders in some way or the other, still there are cases where parents are ignored, ill-treated, and ostracized. There is no particular data which provides that the holders of pension schemes don't face atrocities mistreatment or neglect. Sometimes elders are financially rich still they are either alone or facing abuse from their family members, especially their children or grandchildren. (*Trivedi, 2022*)

A recent survey conducted by HelpAge India has shed light on the alarming issue of elder abuse in the country. It focuses not on poor families but the families which are well financially stable. Despite 82% of India's elderly residing with their families, they are often subjected to various forms of mistreatment, as revealed by the report titled "Bridge the Gap: Understanding Elder Needs." The study, covering 22 cities and incorporating a substantial sample size, disclosed distressing statistics. Shockingly, 35% of Senior citizens experienced abuse at the hands of their sons, while 21% reported mistreatment by daughters-in-law. Notably, the family unit emerged as the primary source of elder abuse, underscoring the prevalence of this issue even within seemingly close-knit households. The findings underscore

the urgent need for increased awareness and interventions to address the well-being of the elderly in India. The question arises what is the missing element in our society which requires to be fulfilled?

JUDICIAL PRONOUNCEMENTS & PROTECTION OF ELDER'S RIGHTS

In this section, an analysis of Supreme Court (SC) judgements has been made, about elders, in the light of whether the judiciary has provided effective remedies to the elders, and whether the judiciary can be considered to be an important pillar in protecting their rights as well as creating a deterrence among the youngsters and whether we are in a need of some other element (Spirituality) to supplement the judiciary.

In many cases, the judiciary has played its cardinal duty to protect elders, namely in *Vishnu Dutt Sharma*, wherein the SC clarified that children have a legal and moral obligation to maintain their parents when they are unable to support themselves. The judgment reinforced the provisions of the MWP Act, 2007, and emphasized the importance of providing financial support to Senior citizens. The same Court also ruled that if a Senior citizen's child neglects to maintain and support them, the state government can step in to provide maintenance and recover the expenses from the child. In another instance, The Court has also reminded the government regarding its duty towards elders, recognising the need for legal aid and assistance for Senior citizens who cannot afford legal representation. This judgment emphasized the importance of providing free legal services to elderly individuals in need. Recently also the SC directed the Central Government to provide necessary medical facilities and healthcare services to Senior citizens.

Concerning health, in 2021, the SC has directed the States to prioritize senior citizens in hospitals (private and government). It provides the duty of the government to

concern the well-being of the elderly, particularly in terms of healthcare. The judgment of the Supreme Court has also affirmed the rights of Senior citizens to access their property and live in their homes peacefully. It emphasized the protection of their property and dignity. In 2016 the Supreme Court emphasized the importance of addressing *issues of elder abuse and mistreatment*. Most importantly In 2018, the SC issued guidelines to the central and state governments regarding strictly implementing the provisions of MWPSCA & also observed that there should not be any excuse for lack of finances. In light of these directives, in 2020, the court again directed Union Territories and states to submit detailed affidavits stipulating measures for elderly care amid the pandemic. Apart from this, the Judiciary still has to address whether Section 17 of the MWPSCA is unconstitutional.

These judgments underscored the need for protective measures to safeguard Senior citizens from physical, emotional, and financial abuse. In the *Vinod Kumar Case* wherein the Court addressed the issues related to elder abuse and highlighted the need for strict measures to prevent physical and emotional mistreatment of Senior citizens. There are many other pronouncements as well wherein the judiciary has played its role efficiently but limiting to these judgments, we can say these above cases reflect the Supreme Court's commitment to protecting the rights and welfare of Senior citizens such as its role in providing financial support, healthcare, property rights, and dignity for the elderly, and set precedents for cases related to Senior citizens. Additionally, these judgments reinforce the individual, family and government's role in ensuring the well-being of Senior citizens and promoting their rights.

Spirituality: Lessening the Burden of Courts & Preventing Elder Abuse

The question before the judiciary or tribunals arises when injustice occurs or a cause of action arises. Without locus

standi, no remedy can be provided. There are many instances in our day-to-day life which affirm that matters are reported before the courts or tribunals when the offence or cause of action has already occurred, making the judiciary or tribunal the last resort. Is there not a system where matters can be resolved before reaching the court or tribunal, or where matters of abuse don't arise at all? There is a need for a system that directly works at the roots and brings a stable and reliable solution. Although the judiciary will always be ready to protect the rights of elders, we require some additional elements to supplement its work. This may be supplemented by the element of spirituality, a topic to be discussed in the next chapter.

**SPIRITUALITY: SUPPLEMENTING THE PURPOSE OF LAW &
ELDERS RIGHTS**

*“Law & Spirituality are bound together at Fundamental
Level”*

- Justice A.K. Sikri

Till now we have discussed there is a dire need for some element in our system which can fill all the gaps of our prevailing issues. Let's discuss it. Reservations are necessary to uplift the social standard of vulnerable communities, but simultaneous measures are also essential i.e. acceptance from other segments of society. Simply providing reservations for the vulnerable may not let them be socially inclusive unless we teach the other part of society to embrace tolerance or a sense of inclusivity. Thus, a dual approach is needed. Similarly, while the law regulates the behaviour of society and brings order, an additional approach is also required to supplement the purpose of the law; otherwise, its object may become futile. There are various approaches to complement the law, but this paper focuses on the 'spiritual element' to eradicate evils among the youth and cultivate sensitivity towards elders. For that first, we will understand the meaning of Spirituality then its challenges and later suggestions will

be provided in the light of imbibing the spiritual element into the domain of law to protect the rights of Senior citizens.

"Spirituality Means Ultimate Freedom"

- Sadguru Jaggi Vasudev

Meaning of Spirituality

Though spirituality has many dimensions and can't be defined in a particular domain, still it can be used in a particular domain to complement the law. (King et al., 2009) The Author does not intend to give religious colour to spirituality as there can be diverse thoughts which may oppose it. So there is a need to define spirituality in tune with contemporary times and values and more importantly in tune with the constitutional mandate.

First, we will explore the common or contemporary view of spirituality then we will delve into whether it can pass the test of constitutionality and also whether it can support our elder's rights. In common parlance, spirituality is defined as a practice of being oneness i.e., a sense of oneness, a sense of connectedness with the whole world or society. Upon practising this we don't fix ourselves merely with a part of a particular religion, nation, race, caste, sex or creed but we become part of the whole cosmos. When spirituality is practiced we get in touch with the concept of Aham Brahmasmi i.e. I am the Universe. When we consider ourselves a part of the universe then we surpass the concept of selfishness, anger, ego, etc. History witnessed that many wars were fought because of egoistic or selfish reasons, fought in anger or revenge. When this practice is followed then an individual considers himself beyond these limitations & his cosmic identity leads to responsibility towards our elders, surroundings, nations or the world at large. We don't think only of family problems but of world problems. The scope of thoughts becomes large. So it is advised by the author that our law should involve the element of mandatory learning of the concept of spirituality. A penalty may be imposed in case of non-compliance. Dr Maya Spencer has

defined spirituality as a "feeling or sense or belief that there is something greater than myself, something more to being human than sensory experience and that the greater whole of which we are part is cosmic or divine in nature." (Spencer, 2022) Spirituality involves recognizing the meaningful role our lives play beyond the ordinary and aggressive aspects. It is the awareness of being a significant part of a purposeful unfolding of life in the universe.

Nexus Between Contemporary Spirituality & Constitution

*“Like the law prescribes the rules for a smooth functioning
of society
when judges and lawyers imbibe spiritual values in
enforcing these laws.
We aim to achieve a better governed society”
- Justice A.K. Sikri*

The above statement shows that if society imbibes the spiritual values then they can be given greater responsibility. One of the purposes of the law is to make citizens aware and responsible towards their duties either negative or positive. It is proposed that if spirituality is added then there may not be a need for strict law as society would be performing their responsibility to the best. So, this element will include in itself the youngsters and their duty towards the elders. The huge difference is manifest in the absence of spiritual elements and the presence of spiritual elements in society.

Those who had practised spirituality, have also promoted oneness, non-violence, and the concept of being aware and responsible towards their duties. namely, Gautam Buddha, Mahaveer, Socrates Swami Vivekananda etc. Justice A.K. Sikri is of the view that spirituality and law can play a complementary role. Spirituality states that Sarvajana Hitaya, Sarvajana Sukhaya and the same is the basic spirit of the law and the constitution. It means spirituality complements the constitutional spirit. The constitution aims for the welfare of people the same as spirituality.

"Spirituality doesn't mean praying or going to the temple"

- Sadguru Jaggi Vasudev

Distinction between Religion and Spirituality

Individuals who describe themselves as "spiritual but not religious" often have a belief in diverse spiritual paths and stress the significance of discovering a personal route to spirituality. A 2005 poll indicated that approximately 24% of the U.S. population identifies with this designation of "Spiritual but not religious". (Thapliya, 2023)

We can see the same is being practised in India as a huge Western influence. (Matt, 2021) So this positive Western influence is a welcome step in India. Even Indians are accepting this path to enhancing themselves with the concept of inclusivity. (Dilbeck et al., 1981) The real gist of spirituality is distinct from religion and customs. The boundaries of religions are limited but spirituality is very wide and contains so much in it for individual enhancement. So the bar of secularism will not arise in case law is supplemented by spiritual values. Judiciary has also defined Secularism as "having equal respect for all religions." (Upadhyay et al., 2022) When the religious element is absent then the question of secularism will not arise and even there is a wide acceptance of the concept of spirituality (Alper et al., 2023)

So for that, we don't need to bring the Uniform Civil Code (UCC) as even without this we can add an element of 'Spirituality' in our governance as the world is Uniformly accepting this. 'Spiritual' fundamentally implies being in an experience that transcends the constraints of the physical realm. (Prakesh, 2018) Thus, we can say that there is a difference between Religion and Spirituality. This issue has also been raised through a PIL in the Delhi High Court. (Biswas, 2023) However, the author is expecting a positive approach in tune with the Constitutional mandate.

*"Effective Implementation of Laws Require Compulsory
Support of
Parents & Teachers & Not Merely Executory Bodies"*

SUGGESTIONS

Spirituality, based on the above observation, is in tune with constitutional mandate and in light of this it is proposed that the values of spirituality should be sensitized, first, to the parents and then to the teachers at schools and professors at the colleges so that knowledge obtained by the child, channelised through the parents, will become his learning at the schools if taught again by the teacher. That same learning may transform into his own experience if that would again be taught at the graduation stage. The knowledge gained from self-experience is considered true knowledge.

It is suggested that it will have a major impact on the reduction of crime against the elders especially in cases of abuse of elders, especially in India. (Sikri, 2020) It is proposed that it should be mandatory for parents, school, and college teachers to undergo the Inner Engineering certificate program, fostering spiritual growth. (Nomads, 2022) Subsequently, they should impart this knowledge to their children, contributing to the development of healthier minds in the upcoming generation. Spirituality is advocated for its potential to establish a profound connection with one's surroundings, fostering sensitivity and a sense of responsibility toward others including elders. (Pruzan et al., 2005)

We have seen financial schemes are not enough to protect the elders, so for this, we could sensitize the society regarding spirituality Supplementing elders' rights on the occasion of 'World Elder Abuse Awareness Day (June 15). Moreover, Justice A.K. Sikri is also of the view that spirituality be added to our legal profession. (Sikri, 2020) Thus, some penalty must be imposed in case of non-compliance with undergoing training of the Inner self.

"Our past is important for the growth and development of our country so elders are needed as they are preservatives of our past"

CONCLUSION

Sensitiveness toward things either living or non-living gives eternal vigilance to us. Eternal vigilance gives us freedom. Freedom gives scope to development. So our attention towards elders is necessary for inclusive growth. We have seen from the above facts that there is an absence of a missing element in our governance and laws. Working on the laws means just a temporary approach. We need to work on the root causes. Among many, Spirituality seems to be an important approach which can fill the gaps in law and will supplement the law. We have seen the contemporary meaning of Spirituality which may prove to be helpful for the elders. Spirituality can set up a link between the elders and youngsters, the Government and elders, youngsters and the government. Thus, it is the requirement of time to accept and recognize 'spirituality' as the fifth pillar of our democracy.

"Eternal Vigilance is the cost of liberty"

- Justice D.Y. Chandrachud

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DOMESTIC VIOLENCE AMONGST THE ELDERLY POPULATION IN INDIA AND ITS IMPACT ON MENTAL HEALTH: A COMPREHENSIVE REVIEW

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ABSTRACT

Domestic violence against the elderly is a concerning and multifaceted issue that significantly affects the mental health and overall well-being of older individuals in India. Domestic violence amongst elderly is a pervasive yet overlooked social issue with far-reaching implications for their health and well-being. This review paper seeks to explore the complex relationship between domestic violence and the mental health of the elderly population in the Indian context. It emphasizes how the intersection of ageism, gender dynamics, cultural norms, and socioeconomic disparities contributes to the heightened vulnerability of older individuals to abusive situations within their households. By synthesizing existing research and highlighting key findings, this review aims to provide an in-depth understanding of the subject. The paper is also an attempt to analyse the psychological consequences, such as depression, anxiety, post-traumatic stress disorder, and lowered self-esteem, and delve into the interconnectedness of physical, economical and emotional abuse. Moreover, this article sheds light on the often underreported and undiagnosed nature of elder abuse and its implications for healthcare and social support systems in India. It highlights the critical need for healthcare professionals, social workers, and policymakers to be

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equipped with the knowledge and tools required to identify and address the mental health challenges resulting from domestic violence among the elderly. In conclusion, this review underscores the urgency of further research and policy initiatives to combat domestic violence against the elderly in India and mitigate its adverse effects on mental health.

Keywords: Domestic Violence, Mental Health, Elderly, Ageism, Legal interventions

INTRODUCTION

Domestic violence, a distressing and pervasive concern that transcends national boundaries, is often associated with the abuse of women and children. However, the unfortunate reality is that domestic violence extends its malevolent grasp across age groups, affecting one of society's most vulnerable demographics - the elderly. This review sets out to explore the intricate and multifaceted dynamics of domestic violence among the elderly in the context of India and the profound consequences it has on the mental health and well-being of this often-overlooked demographic. Domestic violence, a grave concern that afflicts individuals of all ages, races, and genders, is often mistakenly associated solely with the abuse of women and children. However, a growing body of evidence and an evolving societal awareness now reveal that the elderly population is not exempt from the horrors of domestic violence. This invisible epidemic, though largely hidden from public view, manifests in diverse forms and has severe repercussions, particularly on the mental health and overall well-being of older adults.

In the context of India, a nation renowned for its rich cultural traditions and deep-seated reverence for elders, the issue of domestic violence amongst the elderly remains a paradox. On one hand, the elderly are revered as fonts of wisdom and experience, occupying a special place within the family structure. On the other, the same familial bonds that should

provide protection and care to older individuals can sometimes become a source of abuse and suffering.

This comprehensive review article sets out to dissect the intricate tapestry of domestic violence amongst the elderly population in India, with a particular focus on its impact on mental health. By delving into this complex interplay, we aim to shed light on a subject that has remained concealed in the shadows for far too long.

In this introduction, we outline the scope and significance of this review, present the prevailing cultural and socio-economic factors that render the elderly vulnerable to domestic violence, and underline the pressing need to address the consequences of such abuse on the mental health of older individuals. We also emphasize the dearth of comprehensive research on this issue and the potential implications for policy, healthcare, and social support systems in India.

As we embark on this journey of exploration, it is imperative to acknowledge that understanding and addressing domestic violence among the elderly in India is not just a moral imperative but a matter of profound public health concern. It is a call to action for researchers, policymakers, healthcare professionals, and society at large to confront the uncomfortable reality that our elders, the repositories of our collective wisdom, are often enduring silent suffering behind closed doors.

REVIEW OF LITERATURE

Domestic abuse of the elderly has grown to be a significant public health concern in India, negatively affecting the vulnerable population's general and mental health. This review of the literature aims to provide an overview of important studies on the impact of domestic violence on older victims' mental health in India.

Domestic elder abuse refers to elder abuse that occurs in the victim's own home. It describes when an individual with a unique relationship—such as a husband, brother, kid, friend, daughter-in-law, or caregiver—mistreats an elderly person. It is referred to as institutional elder abuse and occurs in professional care settings as well. People who are legally or contractually required to protect and care for the elderly victims—such as staff members, professionals, and paid carers—commit this type of abuse in facilities that provide care for the elderly, such as nursing homes, group homes, foster homes, board and care facilities. Elder abuse can manifest itself in a number of ways such as physical, psychological, sexual, verbal, economical, neglect and abandonment (*Callaghan, 1998; Nerenberg, 2000*).

The number of crimes committed against senior citizens has significantly increased. We find it alarming that there are significant numbers of crimes committed against old persons by carers, family members, close friends, and even neighbours. The majority of cases that have been documented thus far feature sons, daughters, and daughters-in-law as the criminals. Lack of reporting of such incidents and society's indifference. Crimes against older adults have escalated dramatically in recent years. The high frequency of crimes against elderly people perpetrated by family members, close acquaintances, caretakers, and even neighbours worry us. Sons, daughters, and daughters-in-law have been identified as the offenders in the vast majority of the instances that have been reported to far. The failure to disclose such occurrences and the apathy of society. To some extent, this is also due to elderly people's and other family members' lack of genuine social attachment. Lack of knowledge of the legal laws' redress mechanism for cases of elder abuse is another problem (*Singh, M. M., & Singh, V., 2016*).

Senior residents 60 years of age and above in an east Delhi urban resettlement colony participated in a community-based cross-sectional survey. Study participants were interviewed

using a pretested semi-structured questionnaire. Data was collected about the sociodemographic composition and prevalence of abuse. Simple descriptive tables were built to show frequencies. A chi-square test and a cross-tabulation were employed to investigate the connection between elder abuse and other sociodemographic variables. We questioned 125 older citizens in all. Of them, twelve (9.6%) reported being mistreated. Of the subjects, two claimed physical abuse, one reported financial abuse, and four reported verbal abuse. Every individual who was abused was neglected. The mistreated elderly people were older (>70 years old), did not engage in social activities, and had sporadic contact with friends and relatives ($P = 0.00$). Higher probabilities of abuse were linked to "having dependency for daily needs" ($P = 0.00$) and "finances managed by others" ($P = 0.02$). The percentage of reports of abuse was just 16.6%. This outcome was consistent with the Helpage India research (Kumar, P., & Patra, S., 2019).

Two hundred elderly patients were included in a study on the prevalence of domestic violence among the elderly. Of these, one hundred and twenty-five (12.5%) had experienced verbal abuse, twenty-two (11) had experienced neglect, seventeen (8.5%) had experienced financial abuse, and three (1.5%) had experienced physical abuse. As a result, a large number of elderly patients had suffered from more than one type of abuse. The study also found a statistically significant correlation between the prevalence of elder abuse and total financial dependence, lack of social support, and depression among the elderly patients. Elder maltreatment was shown to be statistically significantly correlated with living situations, financial status, social support, and depression. Elder abuse did not statistically significantly correlate with age, gender, place of residence, or educational attainment. Logistic regression was used to analyse the significant factors. Depression, social support, and financial status were shown to be strongly correlated with abuse (Nisha, C., et.al, 2016).

An analysis of relationships, attachments, depression, and elder abuse: A sample of one hundred elderly residents in care facilities and an additional hundred elderly residents of the community were used to determine the determinants of mental health in later life. Individuals sixty years of age or older who came from different socioeconomic backgrounds were included. A cross-sectional assessment of elder abuse among Delhi residents was part of the study. It has been shown that there is a correlation between culturally-based, relational, individual, and community factors and the prevention of elder abuse. Gender and marital status are relevant in the context of elder care since married individuals seem to fare better than single people in all areas of life—social, economic, and otherwise. Elder abuse is more likely to occur and sadness is more frequent among elderly women compared to their male counterparts. Similarly, widowed respondents had higher rates of wounds, fractures, and burns than other respondents, and they also reported poorer levels of social support. These findings are consistent with elder abuse. It was shown that the length of education has an impact on the wellbeing of senior citizens. Another study found that older individuals who lived alone were more likely to experience elder abuse and despair. Moreover, senior citizens who live in assisted living facilities (*Sharma, R., & Kaur, R. 2016*).

One study that examined elder abuse in a hamlet in India entailed interviewing 135 elderly individuals. Of them, twelve (9.6%) reported being mistreated. Of the subjects, two claimed physical abuse, one reported financial abuse, and four reported verbal abuse. Every individual who was abused was neglected. The mistreated elderly people were older (>70 years old), did not engage in social activities, and had sporadic contact with friends and relatives ($P = 0.00$). Higher probabilities of abuse were linked to "having dependency for daily needs" ($P = 0.00$) and "finances managed by others" ($P = 0.02$). This study examines elder abuse in rural India and its impact on the mental health of elderly individuals, providing insight into the prevalence and

characteristics of elder abuse (*Mandal, P. K., & Dey, S., 2018*).

CONCLUSION

The research discussed here emphasises the gravity of domestic abuse among India's senior citizens and its detrimental effects on mental health. Although there has been progress in identifying risk factors and comprehending the implications for mental health, more research and comprehensive policy measures are still critical to safeguard and assist the senior population. In India, addressing domestic abuse among the elderly is a concern for public health as well as social justice.

SUGGESTIONS

Developing effective policy recommendations to address domestic violence among the elderly in India and its impact on mental health requires a comprehensive approach that considers legal frameworks, social support systems, and mental health services.

Strengthening Legal Frameworks:

- **Enhance Legal Protections:** Strengthen and enforce existing laws related to elder abuse, ensuring that they comprehensively cover physical, psychological, financial, and neglectful forms of abuse. Consider specific legislation addressing elder abuse within domestic settings.
- **Streamline Reporting Mechanisms:** Establish user-friendly and confidential reporting mechanisms for elder abuse, ensuring accessibility for both victims and witnesses. Promote awareness of reporting avenues through public campaigns.

Public Awareness and Education:

- **Implement Education Programs:** Develop and implement nationwide educational programs to raise awareness about elder abuse, its various forms, and its impact on mental health. Target both the general public and professionals in healthcare, law enforcement, and social services.
- **Community Outreach:** Facilitate community-based awareness campaigns to challenge ageist attitudes, promote respect for elders, and encourage reporting of abuse. Involve local leaders, NGOs, and community organizations in these initiatives.

Capacity Building for Professionals:

- **Training for Healthcare Professionals:** Provide specialized training for healthcare professionals to recognize signs of elder abuse and address the mental health needs of abused elders. This includes geriatric training for mental health practitioners.
- **Law Enforcement Training:** Offer training programs for law enforcement personnel to sensitively handle cases of elder abuse, ensuring a victim-centered approach and appropriate legal action against perpetrators.

Social Support Systems:

- **Expand Social Services:** Increase funding and resources for social services targeting the elderly population, including helplines, counseling services, and support groups. Ensure that these services are accessible and culturally sensitive.

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- **Promote Social Integration:** Develop community-based programs that foster social integration and prevent social isolation among the elderly. Encourage the establishment of senior citizen clubs and community centers.

Mental Health Services:

- **Integrate Mental Health Support:** Integrate mental health support services within the framework of elder abuse prevention and intervention programs. Ensure that mental health professionals are involved in multidisciplinary teams addressing elder abuse cases.
- **Accessible Mental Health Facilities:** Improve accessibility to mental health facilities for the elderly, particularly in rural areas. This includes establishing telehealth services, mobile mental health units, and outreach programs.

Research and Data Collection:

- **Funding for Research:** Allocate resources for comprehensive research on domestic violence among the elderly in India. Support studies that investigate the prevalence, risk factors, and mental health consequences of elder abuse, with a focus on evidence-based interventions.
- **Establish a National Database:** Establish a national database to systematically collect and analyze data on elder abuse cases, enabling policymakers to make informed decisions and track the effectiveness of interventions.

Collaboration and Coordination:

- **Interagency Collaboration:** Facilitate collaboration among government agencies, non-governmental organizations, healthcare providers, and community groups to create a coordinated response to elder abuse. Foster partnerships that address prevention, intervention, and support services.
- **International Collaboration:** Collaborate with international organizations and share best practices in addressing elder abuse, mental health, and social support. Learn from successful models implemented in other countries.

Crisis Intervention and Rehabilitation:

- **Emergency Response Systems:** Develop and implement emergency response systems for immediate intervention in severe cases of elder abuse. Ensure swift action to remove victims from dangerous situations and provide crisis counseling.
- **Rehabilitation Programs:** Establish rehabilitation programs that address the physical and mental health needs of abused elders. Include vocational training, counseling, and community reintegration initiatives.

Implementing these policy recommendations requires a concerted effort from policymakers, healthcare professionals, community leaders, and advocacy groups. Regular evaluations and adjustments based on evolving needs and challenges will contribute to the ongoing improvement of policies addressing domestic violence among the elderly in India and its impact on mental health.

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RESPONSIBILITIES OF ADULT CHILDREN TOWARDS SENIOR CITIZENS

By Mr. Ritesh Kumar Gupta^{14*}

ABSTRACT

It is a basic need of every senior citizen to get some ample company, love and care from adult children. They need respect for their wisdom, experience and contributions, which they have given to society. It is the duty of every adult child to treat them with dignity and honour. The senior citizens face the problem of loneliness, depression and anxiety, so they need emotional support. We should also ensure that senior citizens are safe in their homes, communities and public spaces, and should be provided security. It is the duty of every child to include them in community activities, social events and decision-making processes, which will affect their lives. In today's scenario, senior citizens start feeling loneliness and neglect because of their children, which causes a serious disease known as dementia and depression in senior citizens.

Section 125 of the Criminal Procedure Code, 1908, The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Section 20 of the Hindu Adoption and Maintenance Act, 1956, etc. are some provisions which provide the legal responsibilities of adult children (including daughter) towards their senior citizen parents. But still, the condition of the senior citizen is worse, due to the lacuna in the proper interpretation of laws by the judiciary. Still, there is a need for amendments in the various provisions related to the senior citizen. This article will help you in understanding the responsibilities of adult children towards senior citizens

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and also help in finding the lacuna in the proper interpretation of laws by judiciary.

Keywords: *Senior Citizen, Adult Children, Loneliness, Isolation, Legal Responsibilities.*

INTRODUCTION

Are your children fulfilling their legal duties? The answer of this question makes you understand the responsibilities of children towards elderly parents. It is a basic need of every senior citizen to get some ample company, love and care from adult children (*Satya Muley, 2023*).

The relation between the adult child and their parents are the most important and complex relationships in life. The parents provide them the safe environment and help them to grow into a better and responsible human. The identity and development of child are the foundation of the parents. But, In today's scenario, the senior citizens start feeling loneliness and neglect because of their children, which causes a serious disease known as dementia and the depression in senior citizens. It is the duty of every child to include them in community activities, social events and decision making processes, which will affect their lives.

DIFFERENT AND IMPORTANT ROLES OF THE SENIOR CITIZEN

The senior citizen plays a vital role in the family as a career, teacher, mentor, hero, friend and guide not just towards their grand children but also towards their adult children also. Some of important and different roles of the senior citizens are as follows:

- ***A Different Point of View:*** As we can see nowadays the businesses worldwide are recognizing the importance of intergenerational diversity and also organizing programs to bring older employee

and even retired employees back to offer a different perspective and also challenging the advice of the youth. We always think about the diversity in cultural terms, but then also the intergenerational diversity provides the similar rewards and results. From the struggle of our parents, grandparents and other older relatives, we can evaluate the idea across time and also we can see in depth that where we are today.

- ***Reflecting Society:*** Senior citizens are the one, who know the societal behavior. When the child grow he/she learn from his/her parents especially from his/her mother and there after other family members. When the children grow at the age of schooling, then he/she comes under the contact of sports friendship and especially with the neighbor. When we spend the time with our grandparents or any other elderly friend or relative, they help us to judge our behavior on different standards not the near ones.
- ***Helping with care:*** In today's scenario, we can see that the parents are failing to provide the loving environment to their children. Though the parents are doing the primary care, but the children need the loving environment. The senior citizen is helpful that they provide the loving environment to the children. The senior citizen takes all the stress of the starting career. They give a chance to share not just love, but also the never-ending demands of the parenting.
- ***Tips and Tricks:*** Sometime, the advice of the senior citizen works as a milestone in the life of the adult children, which they cannot learn in any book. It is true that the nature of every child is different and it is very hard to understand the nature of the child. Senior citizens provide the opportunity for wisdom, assistance and support both emotional and physical. The guidance and support of the senior citizen

provided to the adult children can sometime provide relief to those problems of which we do not have any answer and it can be possible only with their own first-hand experience.

- ***Needing a Hero:*** The children learns or able to face the life problems, after taking mentorship from the experience of their grandparents. Senior citizen's story of facing problems or simply of life going along over a long time helps the children to face the life problems. The adult children become able to chase their dreams with the inspiration of their grandparents. Sometime the relation between the child and parents becomes challenging, so the grandparents play a role to provide the unconditional love to their family.
- ***Never too old:*** Senior citizens never get too old. They always spread happiness in the house and in the presence of the senior citizen in any house; the behavior of the children improves. The children become able to face the problems socially.

Every family need the presence of the grand parents or we can say the presence of the senior citizens, their experience, their guidance, etc. helps to increases the loving environment in the family. The adult children learn to face the life and social problems. To have all these benefits, the adult children need to provide them opportunity to remain socially active and to remain connected to family and friends. Sometimes, the behavior of the adult children i.e., when they make them feel as a burden, then the senior citizen feel loneliness which increase the disease named as dementia.

THE MAJOR CHALLENGES FACING THE ELDERLY

Senior citizen faces the physical health, mental health, ageism and financial insecurity. These challenges are discussed as follows:

Physical health problems of the senior citizens

Some health problems come under physical health problems of the senior citizens such as Cataracts, Chronic obstructive pulmonary disease, Diabetes, Extra susceptibility to sexually transmitted diseases, Fatigue, Hearing loss, Heart attack and stroke, Heart Disease, Incontinence and constipation, Loss of balance (which can result in falls), Malnutrition, Muscle weakness, Oral health issues (such as dry mouth and gum disease), etc.

Mental health problems of the senior citizens

Some health problems come under mental health problems of the senior citizens such as Anxiety, Cognitive decline (which include Alzheimer's and dementia), Depression, Personality disorders (which increases in symptoms as one ages), Sleep disorders, and Substance abuse, etc.

The mental health problems faced by the senior citizens are generally after their retirement, when they do not get loving, ample company and care from their adult children. According to the report of the world health organization, approx 15% of senior citizen aged 60 and over are suffering from the mental disorder. (Jeremy Rodriguez, 2022)

Ageism problems of senior citizens

Some health problems that come under ageism problems of senior citizens are as follows:

- Interpersonal ageism
- Self-directed ageism
- Institutional ageism

The ageism problems are mainly due to loneliness and isolation. Interpersonal ageism occurs, when supervisors refuse to give assignments due to the age of the senior citizens. The self-directed ageism occurs, when there is a negative perception about the age in the senior citizens. And finally, the institutional ageism occurs, when there is an unfair treatment for older adults.

Financial problems of the senior citizens

According to the list of the National Council on Ageing (NCOA), senior citizens face many financial problems. 1 in 3 senior citizens more than the age of 65 are economically insecure, whose income is below 200% of the federal poverty level (FPL). (*National Council on Ageing, 2023*) On supplemental security income (SSI), the 2.3 million senior citizens are receiving just \$511 every month on average. In 2016, 61% of households of 65 ages or more were having debt. The average debt of senior citizen households was \$31,050. In America, 5.2 million senior citizens faced the threat of hunger, and lower-income in 2020.

According to the Agewell Foundation, 55.71% of respondents (of which 69.42% older men and 42.31% older women) said that they were financial independent. 20.56% older men and 36.9% older women informants are dependent on their children or close relatives for financial needs, whereas 10.1% older men and 20.79% older women informants are dependent on others for financial needs.

**PROVISIONS WHICH PROVIDE THE LEGAL
RESPONSIBILITIES OF ADULT CHILDREN TOWARDS SENIOR
CITIZENS**

In India, we not only have the statutory laws related to the maintenance of the senior citizen but also there are personal laws of different religious which provide the care of the senior citizens. Some of the provisions are discussed below:

The Hindu Adoption and Maintenance Act, 1956:
According to this act, the senior citizens are provided food, clothes, housing, education, and medical care, etc. It is the responsibilities of every adult child to take care of the senior citizens. The definition of 'parent' is given u/s 20 of the HAMA which includes stepmother also that is childless. According to the old law only son had to maintain their parents, but with the passes of time, the law has also

recognized that it is a duty of daughter also to maintain their parents.

According to the Hindu Adoption and Maintenance Act, 1956, father and mother both have equal rights to claim maintenance from their children i.e., son and daughter. In case of the stepmother, if she has her own child, then she has to proceed against them. However, it is to be noted that only those parents are entitled to seek maintenance, which are unable to maintain themselves financially from any spouse.

In *Narayanarao Ramachandra Pant vs Ramabai*, the Privy Council has identified the right to maintenance in starting of the old widow of the deceased, whereas there was no such provision was made by the testator and also passed the decree by which the old mother stay back in her husband's property.

In *K.M.Adam vs Gopalakrishnan*, Supreme Court said that if the child is Hindu and his or her parents are Hindu or not, they are entitled to claim maintenance against their child.

In *Kirtikant D. Vadodaria vs State of Gujarat*, Supreme Court said that the old and infirm parents are entitled to claim maintenance from their daughter same way they entitled to claim maintenance from their son.

Muslim Law: According to the Islamic law, all children are not required to take care towards their parents. Those who have a sufficient resources either son or daughter will maintain their parents. It totally depends over the capacity to pay of either the son or daughter.

The Maintenance and Welfare of Parents and Senior Citizens Act was enacted in December 2007: In 1999, A National Council for Older Persons (NCOP) was established to take a view of the policy's implementation which is now chaired by the Minister for social justice and empowerment. In 2012, it was given the new name i.e., National Council of Senior Citizens. According to this, the meaning of senior citizen is, "Any person being a citizen of India, who has

attained the age of sixty years or above includes parent whether or not a senior citizen (*Anahita Dube & Vibha Bandhu, 2023*).”

In *Sunny Paul & Anr. Vs. State Nct of Delhi & Ors.*, the Delhi High Court said that the children can be evicted from the property if they abuse their parents while staying with them.

Integrated Program for Older Persons (IPOP): In 1992, the Ministry of social justice and empowerment has executed the central sector scheme of the integrated program for senior citizens. The aim of this scheme is to improve the quality of the life of senior citizens after providing them housing, food, medical care, and opportunities for entertainment, etc.

The National Policy on Older Persons (NPOP) 1999: This policy is stated to meet the requirements of the older people for housing, health care, and other necessities, as well as for a fair share in development, protection from abuse and exploitation and access to program that would increase their quality of life. The main features of NPOP are Easy access to loans, land grants at concessional rates and private hospitals to provide economical and specialized care for the senior citizen, Old age pension scheme, Subsidy in healthcare, mental health services, counselling facilities, Tax exemption for older person, Assistance for construction/maintenance of old age home, day-care centres, multi-service citizens center, outreach services, supply of disability-related aids and appliances, Layout of housing colonies to be sensitive to the needs of the senior citizens, Quick disposal of cases of property-transfer and property tax, Setting up a welfare fund for senior citizens, etc (*Anahita Dube & Vibha Bandhu, 2023*).

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007: This act was passed in December 2007; to secure the need-based support as well as welfare for senior citizens.

National Council for Older Persons (NCOP)/ National Council of Senior Citizens, 1999: NCOP was established in 1999 following National Policy for Older Persons (NPOP). It was established to monitor the policy's implementation and now it is chaired by the minister of social justice and empowerment. The main work of NCOP is to advise the government on execution and creation of the policies related to the senior citizens.

Article 41 of the Directive Principles of State Policy: Article 41 states that, "The state shall make effective provision for safeguarding the right to labor, to education, and to public assistance in case of undeserved want, within the limitations of its economic ability and development."

The Code of Criminal Procedure (Cr.P.C): Section 125(1)(d) of the code of criminal procedure states that, "if a mother or father cannot support themselves, they are entitled to claim maintenance from their children." According to this provision, daughters (including married daughters) also have a duty to maintain her parents.

The Supreme Court of India in *Dr. (Mrs.) Vijaya Manohar Arbat vs Kashi Rao Rajaram Sawai and Anr* said that a married daughter will maintain her father or mother in case if they do not have any other son. Even the stepmother is equally entitled to be maintained as the father.

In *Baban @ Madhav Dagadu Dange vs Parvatibai Dagadu Dange Anr.*, it was said that the expression "mother" includes "adoptive mother" as well.

In *Reju & Ors. Vs. The Maintenance Tribunal, Thiruvananthapuram & Ors*, the high court of Kerala upheld the order of the tribunal for giving welfare means to the relative, even if as to the petitioner, there is no interest of the successor arises from the senior citizen's property.

5 WAYS, THE ADULT CHILD CAN HELP AGING PARENTS

The adult children can help their aging parents by 5 ways. As we have studied above about the provisions which provide the legal responsibilities to the adult children towards aging parents, but the provisions provided them is not so affected at ground level. Most of the parents don't move to the courts for the adult abuse by their adult children. And mostly aging parents doesn't move to the court, due to their family, they think about their family and try to sacrifices their life for their adult children.

The 5 ways by which the adult children can help their aging parents are as follows:

1. Clear Communication
2. Respect
3. Helpful Assistance
4. A Sense of Control
5. Positivity

CONCLUSION

After studying the various points related to the importance of the senior citizens and also the provisions which provide the legal responsibilities to the adult children towards senior citizens or their parents, we come to the conclusion that the condition of the senior citizens are worst in their families.

The systematic reviews and meta-analyses as per the data of 2022 of the world health organization are given below (WHO, 2022): -

		Abuse of older people in community settings	Abuse of older people in institutional settings
Type of abuse	Reported by older adults	Reported by older adults and their	Reported by staff

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		proxies	
Overall prevalence	15.7%	Not enough data	64.2% or 2 in 3 staff
Financial abuse:	6.8%	13.8%	Not enough data
Neglect:	4.2%	11.6%	12.0%
Physical abuse:	2.6%	14.1%	9.3%
Psychological abuse:	11.6%	33.4%	32.5%
Sexual abuse:	0.9%	1.9%	0.7%

As per the above table we can see that in 2022, the overall prevalence of the abuse of older people is 15.7%.

Though, there are a lot of provisions which take care of the rights of the senior citizens, but then also the senior citizens are not getting their rights. According to the report of the technical group on population projections for India and states 2011-2036, there are approximately 138 million elderly persons in India living in old age homes. This indicates that there is some drawbacks in the provisions related to the senior citizens. (*Population Projection Report, 2020*)

Overall, there is a need to protect the rights of the senior citizens. Every adult child should take care of the senior citizens by providing them a loving environment, giving them some love, ample company and care. To engage them socially, so that they do not feel the loneliness, depression and anxiety, etc. Senior citizens are the soul of the family. They are the strength of the family or even society.

The main issue occurs from the family & societies. As we are watching in today's scenario, the issue of loneliness, depression and even neglecting or abuse of older people starts from the family & society itself. Though the government provides a lot of policies or benefits to senior citizens, but it can be possible only with the help of family & society.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

There is a need to remove the gap between the adult children and their ageing parents. And this gap will be filled by the relationship of grandchildren and grandparents. In today's scenario, the son and daughter-in-law both go outside the house and do their job. Because of it they can't take care of their aging parents. When the grand parents will get attach with their grand children, the grandparent will get the happy environment and the issue of loneliness will be removed and even the grand children will also learns sacraments.

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EVOLUTION OF JURISPRUDENCE IN SENIOR CITIZEN LAWS: ISSUES AND CHALLENGES

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ABSTRACT

With the increase of life expectancy in the post-globalisation era, issues such as quality of life, role of the primary caregivers, nature of living conditions of senior citizens, their right to live a life of dignity have become crucial. The justice system, in dealing with these issues, evolving jurisprudence relevant to the present context and the interpretation of rights with reference to the special circumstances centre around the needs of the elderly is one that is of utmost importance in this aspect.

In this article, we seek to bring into focus the jurisprudence developed around senior care and the impact it has had on senior citizens and their chance to live a healthy and dignified life. Aspects relating to access to basic health care and sanitation, Mediclaim, incidents of insurance companies making sick and elderly individuals run from pillar to post in order to seek the Mediclaim, the need to a live a dignified life despite being dependent on their children or other relatives, conduct and treatment by primary caregivers, maintenance of aging parents by children, coercion and pressure by family members for monetary gain, the right to privacy and right to reputation of elders and more have all been discussed at length in various judgements of cases that find their way to the courts. Principles of natural justice balanced with fundamental rights have been the pillars on which this jurisprudence has grown over the years. The role of the Judiciary in safeguarding the interests

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and concerns of senior citizens as well as protecting their rights is prevalent through the plethora of judgements available in public domain.

Keywords: Senior Citizens Laws, Evolution of Jurisprudence, Principles of Natural Justice.

HEALTH AND SANITATION

In terms of access to health and sanitation, one of the foremost concerns faced by the elderly is that of Mediclaim and medical insurance. Often these disputes reach a stage where the only course left is to seek justice via the courts system. In the matter of *Jacob Punnen v. United India Insurance*, the Hon'ble Supreme Court herein granted Mediclaim relief to Senior Citizens by holding that the insurer failed in its duty to disclose changes in the policy conditions during renewal, and thus there was deficiency in the service being provided by the insurer. The court held that, *"If the renewed contract is agreed, in all respects, by both parties, undoubtedly the fresh terms (with restrictions) would be binding. However, that would not be the case when a new term is introduced unilaterally about which the policy holder is in the dark."*

It further stated that *"These regulations only underline expressly what was implicit, i.e., the insurer's obligation to inform every policy holder, about any important changes that would affect her or his choice of product. These have been given statutory shape. Yet, the obligation of the insurer to provide information to existing and policy holders, for them to exercise choice, meaningfully, and choose products suited to their needs, existed. In this case, that obligation was breached."*

"The insurer was clearly under a duty to inform the appellant policyholders about the limitations which it was imposing in the policy renewed for 2008-2009. Its failure to inform the policy holders resulted in deficiency of service."

In the matter of *United India Insurance Co. Ltd. v. Manubhai Dharmasinhbhai Gajera*, the Hon'ble Supreme Court held that, *"As a proposition of law, where a renewal is based on mutual consent, there may be no automatic renewal as has also been held by this Court in H.P. Corpn. Ltd. v. Kolhapur Agricultural Market Committee but as would be discussed hereinafter, a mediclaim policy where a senior citizen is involved would stand somewhat on a different footing. It will depend upon the contract entered into between the parties and the statutes operating in the field as also constitutional scheme. We do not agree with the submission of the learned Solicitor General that wherever renewal is subject to mutual consent to the parties, a State may at its whims and caprice refuse to renew."*

The Hon'ble Court further observed the concept of fairness while dealing with elderly and stated that, *"We have, despite the new economic policy of the Centre, no option but to proceed on the assumption that the public sector insurance companies being State have a different role to play. It is not to say that as a matter of policy, statutory or otherwise, the insurance companies are bound to regulate all contracts of insurance having the statement of directive principles in mind but there cannot be any doubt whatsoever that fairness or reasonableness on the part of the insurance companies must appear in all of its dealings."*

PENSION & FINANCIAL SUPPORT

With age, the amount of work a person can do on any given day also reduces. The body itself, due to several factors, is unable to function as it once used to. As a result, it is expected that the elderly will not be able to earn and bring home the financial contributions that they used to in their prime. This lack of financial strength can at times have an adverse impact on their overall quality of life, as they might not be able to provide for themselves. The expenditure on health and living may also subsequently rise. This and a

number of other factors come into mind while talking about the need for pension for senior citizens.

The matter of *Dr. Ashwani Kumar v. Union of India & Ors* deals with issues regarding shelter, pension and geriatric care and medical facilities for the elderly. In the judgement the Hon'ble Supreme Court held that, *"There is a need to continuously monitor the progress in the implementation of the constitutional mandate to make available to the elderly the right to live with dignity and to provide them with reasonable accommodation, medical facilities and geriatric care. While this may take some time, the only available solution is a continuing mandamus which is a well-recognized practice and procedure adopted by this Court in several cases to ensure that the rights of the people are respected, recognized and enforced and that social justice as postulated by the Preamble in the Constitution is given meaning and teeth."*

Further, the judgement talks about the right to pension, right to shelter and right to live with dignity within the scope of Article 21, which provides that no person shall be deprived of their life or personal liberty except according to procedure established by law. The Hon'ble Court stated that *"In view of the various decisions of this Court, there cannot now be any doubt that the right to live with dignity is, in effect, a part of the right to life as postulated in Article 21 of the Constitution. Such a right would be rendered meaningless if an aged person does not have the financial means to take care of his basic necessities and has to depend for it on others."*

The Hon'ble Court also made observations regarding the dire state of elderly and their need to have a roof over their heads and observed that, *"There can be no doubt that the right to shelter is an important constitutional right and therefore shelter must be made available to everybody and to the maximum extent possible. With this in view, the Government*

of India has framed schemes, inter alia, for homeless persons particularly in urban areas but it is time to recognize that there are a large number of elderly persons in several parts of the country, including rural India, who are rendered 'homeless' due to migration of their families to other parts of the country and even outside the country. While some of these elderly persons are certainly not destitute, but they do need assistance because of their age and are willing to pay and contribute for a roof over their head. In the absence of a suitable number of old age homes, and homes as per their status, they are left to fend for themselves making them vulnerable to mishaps and other unforeseen events."

RIGHT TO RESIDENCE

As senior citizens age and become super senior citizens, their need to have a shelter, a roof over their head in order to live a life of dignity and for their reputation to remain intact becomes even more important. Aging is often seen as a weakness by those around them and as such there are many a times situations where their dignity and reputation is undermined in one way or another. The right to live a happy, peaceful, good quality of life is what is envisaged in Article 21 of the Constitution and the jurisprudence that developed around it.

In the matter of *Neeraj Bhasin v. Divisional Commissioner*, a writ petition was filed by the son before the Hon'ble High Court of Delhi challenging the dismissal of his stay application by the Court of First Appeal, in his appeal against the order of eviction passed by the Maintenance Tribunal. It is to be noted that herein there were pending litigations *inter se* the share of each family member in the suit property, as such the parent could not establish exclusive ownership rights. However, the Hon'ble Court after discussing the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter "2007 Act") held that, "*It is evident from the above, the principal objective of the Act is to make effective provisions for the*

maintenance and welfare of parents and senior citizens. These are senior citizens who are left to fend for themselves all alone in the dusk of their lives, have been exposed to years of emotional neglect and receive no financial or emotional support from their children and heirs. Therefore, Courts and authorities administering the provisions of the Act are obliged to confer paramount consideration on these issues.”

Further it stated that, *“A senior citizen may claim a right of exclusive residence even though he or she may be only able to establish a “right” or “interest” in such property even if such right or interest be lower than an exclusive ownership right. Ultimately, the authorities under the Act are obliged to take into consideration the mental and physical well-being and security of the senior citizens and pass appropriate orders of protection bearing in mind the predominant purpose of the Act.”*

MENTAL AND EMOTIONAL TRAUMA

In the case of senior citizens, there are several instances which result in mental and emotional stress. Acts of relatives, children, caregivers and other third-parties often result in deep mental trauma. Most elderly suffer from medical ailments and are dependent on those around them in some way or the other. In such situations, mistreatment can result in deep psychological and emotional pain leaving the elderly under duress for extended periods of time. This in turn starts affecting their physical health and chances of other medical and health complications increase. This coupled with worsening living conditions and everyday challenges becomes a vicious cycle which ends up affecting their quality of life.

The Hon'ble High Court of Delhi in *Neeraj Bhasin v. Divisional Commissioner, Delhi* (supra) also took into consideration aspects such as mental and emotional stress, whilst upholding the decision of the Court of First Appeal in

dismissing the son's stay application. It was observed that, *"The Court was not apprised of any support, financial or emotional, which may have been extended by the petitioner to the senior citizen in the intervening years. If that be the position, the desire of the senior citizen to spend her days in quietude free from emotional and mental stress must be respected and protected."*

In the matter of *V.K. Bhatnagar v. Canara Bank*, a senior citizen's property was wrongfully attached while he was admitted in the hospital suffering from a serious illness. The Hon'ble High Court of Delhi observed that, *"The petitioner has stated that apart from the affixation of the attachment, the respondent no. 1 effected proclamation and announcement of the attachment using loudspeakers at the subject property, to the utter consternation and humiliation of the petitioner and his family who were occupying the said property. The petitioner learnt of the said attachment from these actions on behalf of the respondent No. 1."*

Further, the Hon'ble Court stated, *"Before us, the petitioner has submitted that he is a senior citizen of 68 years who has suffered unwarranted extreme tension on account of this harassment. The petitioner has placed on record details of the treatment which were necessitated and his hospital admission in the Saket Citi Hospital from 20th January to 29th February, 2016 during which period he had to be kept in the ICU even."*

"This is certainly a serious matter where the residential property of a senior citizen has been attached. Not only was the owner of the property which was attached a senior citizen, but he appears to have been ailing with serious medical ailments as well. The action of attachment of its property has had extremely drastic consequences. It is providential that despite his fragile health, he has been able to fight for his rights."

Lastly, the Hon'ble Court highlighted the effect of emotional and mental duress while holding that *"The act of attachment of the property is a serious matter. This attachment was effected without taking the basic care and effecting a title search. The attachment remained in force from 14th September, 2015 to 7th March, 2017. Undoubtedly, the present case is a fit case where the petitioner deserves to be compensated for the wrongful act of the respondents and the harassment, insecurity and the trauma which has been faced by 68 year old petitioner for over one and a half years."*

Whilst talking about the right to shelter, one addresses various types of shelter and what shelter means in itself. In terms of the elderly, it could pertain to situations where they are rendered homeless due to lack of finances or due to lack of availability of infrastructure such as good old-age homes or due to the fact that their relative and children have all migrated or even in certain cases due to unfair and brutal evictions by their kin.

Over the years, several litigations have evolved between children and their senior citizen parents regarding the property in which all parties are residing. These civil suits are filed over a number of reasons including when parents are trying to evict children or vice versa. In several matrimonial disputes and divorce litigations, the questions regarding rights of senior citizen parents to evict son and daughter-in-law have also been dealt with by the courts. In the case of *Satish Chandra Ahuja vs Sneha Ahuja*, the Hon'ble Supreme Court held that the right to residence, as provided to the aggrieved person under Section 19 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter "DV Act") is not an indefeasible right, and hence the Court has to balance the rights of the parties. The observations of the Supreme Court included that, *"Before we close our discussion on Section 2(s), we need to observe that the right to residence under Section 19 is not an indefeasible right of residence in shared household especially when the*

daughter-in-law is pitted against aged father-in-law and mother-in-law. The senior citizens in the evening of their life are also entitled to live peacefully not haunted by marital discord between their son and daughter-in-law. While granting relief both in application under Section 12 of Act, 2005 or in any civil proceedings, the Court has to balance the rights of both the parties."

Further, in the matter of *Sachin v. Jhabbu Lal*, the Hon'ble High Court of Delhi held that, *"Where the house is self acquired house of the parents, son whether married or unmarried, has no legal right to live in that house and he can live in that house only at the mercy of his parents upto the time the parents allow. Merely because the parents have allowed him to live in the house so long as his relations with the parents were cordial, does not mean that the parents have to bear his burden throughout his life."*

The case *Shadab Khairi v. State*, has categorically held that parents and senior citizens can approach the Maintenance Tribunals, as set up under the 2007 Act to seek the relief of eviction of their children from their residence. The Hon'ble High Court of Delhi vide the above mentioned order held that, *"At the outset, we had elaborated on how beneficial legislation in a welfare State demands a liberal interpretation wide enough to achieve the legislative purpose and be responsive to some urgent social demand in a welfare State. The object for which the Act as well as the subject Rules, extracted hereinabove, were brought into force, namely, for the welfare of parents and senior citizens and for protection of their life and property, leave no manner of doubt that the Maintenance Tribunal constituted under the Act has the power and jurisdiction to render the order of eviction."*

HARASSMENT BY CHILDREN

When the parents age and become dependent on children, they may not be able to contribute much to household

expenditure and there may even be instances when the care of the elderly becomes a financial stress on the children. These instances often lead to quarrels which can severely affect the daily peace and stability in the household of the elderly. More often than not, seniors are harassed by their children who have been living with them rent-free. A number of civil suits dealing with property disputes between parents and children or the spouses of the children are filed in the courts.

In the matter of *Ramapada Basak v. State of W.B.*, the Hon'ble Court observed that *"It is now well settled that the children and their spouses living in the senior citizen's house are at best "licensees". Such licence comes to an end once the senior citizens are not comfortable with their children and their families."* The Hon'ble Court further remarked that *"A nation that cannot take care of its aged, old and infirm citizens cannot be regarded as having achieved complete civilization."*

In the case of *Sudesh Chhikara v. Ramti Devi*, the mother had executed certain Release Deeds in favour of her children. However, disputes arose regarding the individual shares of her children and a civil suit for cancellation of some of the Release Deeds came to be filed. In the meantime, the suit property was sold by some of the children to a third party. The mother was then constrained to file a petition before the Maintenance Tribunal where she contended that her relationship with her children has become strained and that they have not been maintaining her. As such, she prayed for cancellation of the aforesaid Release Deeds.

Section 23 of the 2007 Act allows the Maintenance Tribunal to declare void, transfer made by senior citizens to their children, by gift or otherwise when two conditions are met, viz., (i) the existence of a condition in the deed about provisions of basic amenities and basic physical needs of the transferor and (ii) refusal or failure on the part of the

transferee to provide such basic amenities and basic physical needs. The transfer would thus become voidable at the instance of the transferor and the Maintenance Tribunal gets jurisdiction to declare the transfer as void. It is important to note here that this power of the Maintenance Tribunal is prospective in nature and it cannot cancel a gift deed which was executed before the commencement of the 2007 Act. This was reiterated by the Hon'ble High Court of Delhi in *Priti Dhoundial v. Tribunal* (Under Maintenance & Welfare of the Parents & Senior Citizens Act, 2007), 2009 SCC OnLine Del 3832.

Coming back to the case of *Sudesh Chhikara* (supra), the Hon'ble Supreme Court observed that the mother has not pleaded anywhere that the Release Deed was executed in lieu of basic amenities and physical care. Thus, while setting aside the order of eviction, it was held that, "*When a senior citizen parts with his or her property by executing a gift or a release or otherwise in favour of his or her near and dear ones, a condition of looking after the senior citizen is not necessarily attached to it. On the contrary, very often, such transfers are made out of love and affection without any expectation in return. Therefore, when it is alleged that the conditions mentioned in sub-section (1) of Section 23 are attached to a transfer, existence of such conditions must be established before the Tribunal.*"

Careful perusal of the petition under Section 23 filed by respondent no. 1 shows that it is not even pleaded that the release deed was executed subject to a condition that the transferees (the daughters of respondent no. 1) would provide the basic amenities and basic physical needs to respondent no. 1. Even in the impugned order dated 22nd May 2018 passed by the Maintenance Tribunal, no such finding has been recorded. It seems that oral evidence was not adduced by the parties. As can be seen from the impugned judgment of the Tribunal, immediately after a reply was filed by the appellant that the petition was fixed for

arguments. Effecting transfer subject to a condition of providing the basic amenities and basic physical needs to the transferor - senior citizen is sine qua non for applicability of sub-section (1) of Section 23. In the present case, as stated earlier, it is not even pleaded by respondent no. 1 that the release deed was executed subject to such a condition.”

The Hon'ble High Court of Delhi in *Vinay Verma v. Kanika Pasricha*, whilst observing that “the classic Saas-Bahu imbroglio, has now transformed into disputes between parents/in-laws and their children” discussed the provisions of both, the 2007 Act and the DV Act and laid down guidelines for Courts to follow so as to strike a balance between the rights of the parents and that of the daughter-in-law:

- “1. The court/tribunal has to first ascertain the nature of the relationship between the parties and the son's/ daughter's family.*
- 2. If the case involves eviction of a daughter in law, the court has to also ascertain whether the daughter-in-law was living as part of a joint family.*
- 3. If the relationship is acrimonious, then the parents ought to be permitted to seek eviction of the son/daughter-in-law or daughter/son- in-law from their premises. In such circumstances, the obligation of the husband to maintain the wife would continue in terms of the principles under the DV Act.*
- 4. If the relationship between the parents and the son are peaceful or if the parents are seen colluding with their son, then, an obligation to maintain and to provide for the shelter for the daughter-in-law would remain both upon the in laws and the husband especially if they were living as part of a joint family. In such a situation, while parents would be entitled to seek eviction of the daughter-in-law from their property, an alternative reasonable accommodation would have to be provided to her.*

5. *In case the son or his family is ill-treating the parents then the parents would be entitled to seek unconditional eviction from their property so that they can live a peaceful life and also put the property to use for their generating income and for their own expenses for daily living.*

6. *If the son has abandoned both the parents and his own wife/children, then if the son's family was living as part of a joint family prior to the breakdown of relationships, the parents would be entitled to seek possession from their daughter-in-law, however, for a reasonable period they would have to provide some shelter to the daughter-in-law during which time she is able to seek her remedies against her husband."*

The 2007 Act has been instrumental in allowing Senior Citizens and Parents to assert their basic rights and live out the dawn of their live at their own terms. The Hon'ble High Court of Delhi in the matter of *Saraswati Devi vs. Ganga Ram Sharma*, while interpreting the provisions of the 2007 Act, stated that the Courts must bear the objectives and purposes for which the statute was enacted. It was observed that the 2007 Act and the Rules enacted thereunder were enacted for the protection of interests of senior citizens and that eviction of the son and the daughter-in-law, especially when no case has been filed by the daughter-in-law under the DV Act cannot be faulted and falls squarely within the contours of a situation envisaged by the 2007 Act. The Hon'ble Court noted the aims and objectives of the 2007 Act and held that *"the Senior Citizens Act was enacted to deal with the problems faced by the senior citizens particularly widowed women who were not being looked after properly by their families and were forced to spend their twilight years all alone and were exposed to emotional neglect and to lack of physical and financial support. The object of the Act is actually to cast an obligation on the persons who inherit the property of children or their aged parents/relatives to maintain such aged parents/relatives. The purpose of the Act*

is to provide a suitable mechanism for the protection of life and property of the older persons.”

CHALLENGES OF THE COURT SYSTEM

While talking about the jurisprudence regarding the elderly, one must also mention the challenges faced during the process of seeking justice. While there is a plethora of judgments regarding the rights of the elderly, it is also pertinent to note that the access to justice is not always the easiest. Right from the start, there are certain aspects that prove very challenging for the elderly. One example that comes to mind is that of the infrastructure of the court buildings itself. It is difficult for aged individuals with knee and back problems to stand for hours waiting for cases to be heard and for them to navigate through multiple flights of stairs onto different floors. It is perhaps, with that in mind that ramps for wheelchairs were installed in the High Court of Delhi along with a separate pass counter for generating entry passes dedicated only to senior citizens. The initiation of virtual hearings has also, in this sense, been a blessing in respect to increasing the ease of accessibility to the court hearings.

However, there are instances of lack of knowledge and awareness leaving the elderly vulnerable to exploitation. Sometimes a simple thing as the concept of a limitation period and what it signifies, may in itself become a challenge for an elderly person. Finding the appropriate documents, engaging a lawyer, filing affidavits along with petitions becomes cumbersome and the time period in filing the case can get extended resulting in the matter being filed much after the completion of the limitation period. In such cases, the Hon'ble Courts have in certain specific cases shown leniency, keeping in mind the specific challenges and circumstances of the cases filed by senior citizens.

Another challenge is in the fact that even though jurisprudence has developed, the dissemination of the information regarding the various remedies available via the justice system often does not reach the masses. Due to this lack of awareness, the elderly are often exploited, unaware of the relief that they can get just by simply approaching a Court of Law. The legal aid infrastructure at the district, state as well as national level is an additional and key initiative which in itself has the capacity to provide legal support to the seniors in need. The objective behind starting these initiatives was to help provide free legal aid to as many aggrieved parties as possible.

CONCLUSION

Thus as our societies have developed and modernisation has become the cornerstone of our development, the rights of elderly, their need to live in a safe space that they can call home, surrounded by people who care and respect them has become crucial. The welfare of elderly should be a cornerstone of our growth and development and the justice system has a key role to play in ensuring that these rights are protected. The courts, in their wisdom, have time and again deliberated on the issues and challenges faced by senior citizens in their daily lives and in many instances, provided safeguards to ensure their life is one filled with dignity and respect.

The proactiveness shown by the Courts in protecting the rights of the elderly, coupled with the introduction of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has empowered them to evict their children, if the relations have been constrained, and approach the Maintenance Tribunals to enforce the obligation of their children, for whom they have made many sacrifices, to maintain them and allow them to lead a normal life, on their own terms.

In *Ravi Shankar v. State of Bihar*, the father, who was 73 years old and owned a guest house, approached the Maintenance Tribunal seeking eviction of his son and daughter-in-law, contending that they have illegally occupied three rooms in his guest house - a property for which he was granted perpetual lease by the State of Bihar - and have thus caused him loss of rent. He further contended that his son and daughter-in-law are doing well professionally, with the latter being an advocate, whilst he and his wife survive on his pension and the rental income generated from the guest house. The Hon'ble High Court of Patna observed that the parents live in a separately rented accommodation and the Maintenance Tribunal could not have granted eviction in such circumstances. It was thus held that "*there could be no eviction ordered under the Senior Citizens Act since the claim is not under Section 23(1). The claim of the [father] before the Tribunal under the Senior Citizens Act, if at all coming under Section 23(2) of the Act, there can only be an enforcement of the right of maintenance from the property. An occupation whether it is permissive or an encroachment would have the trappings of a transfer, which would disentitle the owner of the property from the maintenance by way of rental income generated from the occupied rooms in the rest house.*"¹⁸

Further, it was held that "*the [son] cannot claim any right of residence in the building as a co-owner, just as the father, a senior citizen, cannot seek eviction from the separate residence of the son in a building owned by him, under the Senior Citizens Act. The son also cannot claim a right to residence in a building exclusively owned by the father, by virtue of their relationship alone.*"

Thus, evolution of jurisprudence of laws centred around the elderly has enabled senior citizens to seek justice and the judiciary has played a key role in facilitating them in order

¹⁸ Acknowledge research assistance of Mr. Ashish Jain, Partner at Cyril Amarchand Mangaldas Law firm

to live a life of dignity with their head held high and their reputation intact.

ENDNOTES

- *Jacob Punnen v. United India Insurance*, CA No. 6778/2013.
- *United India Insurance Co. Ltd. v. Manubhai Dharmasinhbhai Gajera*, (2008) 10 SCC 404.
- *Dr. Ashwani Kumar v. Union of India & Ors.*, WP (C) No. 193 OF 2016 decided on 13.12.2018
- *Neeraj Bhasin v. Divisional Commissioner, Delhi*, W.P.(C) No. 9757/2022.
- *V.K. Bhatnagar v. Canara Bank*, 2017 SCC Online Del 8915.
- *Satish Chandra Ahuja vs Sneha Ahuja*, CA No. 2483/2020.
- *Sachin v. Jhabbu Lal*, AIR 2017 Del 1.
- *Shadab Khairi v. State*, 2018 SCC Online Del 7626.
- *Ramapada Basak v. State of W.B.*, 2021 SCC OnLine Cal 2161.
- *Sudesh Chhikara v. Ramti Devi*, 2022 SCC OnLine SC 1684.
- *Vinay Verma v. Kanika Pasricha Ors.*, (2019) 265 DLT 211.
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- *Ravi Shankar v. State of Bihar*, LPA No. 907/2023.

CROSS-CULTURAL EXAMINATION OF AGEING: EVALUATING ELDERLY RIGHTS IN INDIA AND WESTERN NATIONS

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ABSTRACT

The global ageing population has led to widespread concerns about the rights and treatment of the elderly. This comparative research examines the senior rights and welfare policies in India, the United States, and Europe, with a focus on cross-cultural analysis. Comprehending the dynamics of senior care is essential considering population changes, economic constraints, and evolving family structures. The presence of ageing populations gives rise to diverse challenges in contemporary society. The growing elderly population gives rise to concerns of social isolation, financial security, healthcare, and elder mistreatment. The cultural and societal features of different areas have a significant impact on expectations and care related to ageing, exacerbating these challenges. The researcher wants to compare elderly rights and welfare policies in India and Western countries, focusing on social security, healthcare, and legal framework, and to examine how cultural and societal factors affect elderly care and treatment in these diverse regions. The research shows that India and Western nations treat old rights and welfare differently and similarly. The researcher concluded that Western countries have stronger social security systems, universal healthcare, and elder abuse protections. India, meanwhile, is improving its social safety nets and laws. India uses informal family care networks for elderly help, while Western nations choose government-backed facilities. In India and the West, cultural and social conventions shape aged care and support systems.

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Indian and Western nations struggle to provide economic stability and social inclusion for the elderly. To fulfil the requirements of ageing populations, policy innovation is needed.

Keywords: *Cross-Cultural Examination, Elderly Rights, India, Western Nations, Comparative Analysis.*

INTRODUCTION

Ageing is often defined as the gradual progression of becoming older and is an essential component of the life cycle (Stefanacci, 2022). It is a complex and far-reaching process that impacts almost every area of human existence, especially in the later phases of life, around the age of 60. When discussing elderly adults, the current emphasis is on the widespread demographic changes that occur, notably the phenomenon of population ageing. This phenomenon has been consistently noticed in industrial or contemporary civilizations during the majority of the twentieth century. However, in recent years, it has become a worldwide trend. An ageing society is essentially the result of a two-dimensional change in demographics, marked by overall reductions in both mortality and fertility rates. The focus of governments and society at large on the issue of an ageing population and its related patterns arises from the increasing need of younger generations to provide for the needs of the old. The provision of care for the elderly continues to rely mostly on community-based and familial support.

Nevertheless, the acceleration of industrialization, the absence of materialistic values, the disintegration of the joint family structure, and the movement of the working population and youth to metropolitan regions have further exacerbated the challenges of providing care for the elderly. In a society with poor roads, housing, public healthcare, and health and cleanliness, the elderly face the weight of these issues.

The liberties and well-being of the elderly are assessed differently in Western countries because of their unique legislative frameworks and cultural norms (Abdi, Spann, Borilovic, Witte, & Hawley, 2020). This study examines legislative frameworks, societal attitudes, medical systems, and intergenerational relationships to understand elderly rights. This highlights the challenges older people have in daily life, seeking medical care, and building social networks in response to shifting societal norms. Comparing India and Western countries is meant to foster a deep understanding of how various societies handle the issues of an ageing population. This study contributes to the global conversation about ageing and the need for culturally specific aged rights. It does it by thoroughly analysing current systems and cultural differences that affect elderly adults' daily life in different circumstances.

LEGAL PROTECTIONS FOR SENIOR CITIZENS IN INDIA

Constitutional and Fundamental Rights

Article 41 is a provision in Part IV of the Constitution, defining Directive Principles of State Policy. Article 41 protects rights to employment, education, and public support in cases of unemployment, advanced age, disease, and disability. This provision is crucial for protecting senior Indians' rights. It emphasizes the government's duty to support the needy, especially the elderly (Press Information Bureau Government of India Vice President's Secretariat, 2015). This may indicate that the government is responsible for the welfare and financial support of old people who cannot support themselves. By acknowledging the State's role in addressing unemployment, old age, disease, and disability, the provision indirectly benefits the elderly economically. Elderly people need this for financial security and self-respect.

Article 21 of the Indian Constitution is a fundamental right identified in Part III. The text claims that only lawful means

can be used to take life or freedom. The courts have interpreted Article 21 to encompass the right to live with dignity and respect, expanding it beyond physical presence and personal liberty. This provision is crucial for Indian seniors' rights. The court initially viewed Article 21 as the right to live with dignity. This Article can protect the elderly from abuse, maltreatment, and negligence by emphasizing the importance of a high quality of life that respects their dignity, respect, and welfare (Aparna, 2006).

Governmental Policies Related to the Senior Citizens

India's elderly population reaches 135 million and will make up over 20% of the population by 2050 (LAKSHMAN, 2023). India has robust laws and regulations to protect seniors. India has innovative legislation and programs to help the elderly live securely, decently, and productively. In all projects and programs, elderly women and rural seniors' needs are prioritized.

The Indian government released the National Action Plan for Senior Persons in 2020. This plan describes the government's vision, goal, and action plan for elderly citizens' well-being. The program addresses four basic needs of elderly people: financial security, food, healthcare, and a decent living.

a. *The National Policy on Older Persons (NPOP)* aims to provide government assistance in the areas of financial and food security, healthcare, housing, and protection against exploitation. The National Old Age Pension Scheme guarantees financial stability for elderly individuals.

b. *The National Programme for Health Care* of the aged aims to enhance healthcare services by establishing geriatric units nationwide and specialized clinics for the aged in government-operated hospitals (Vaishnav, Joshi, Joshi, & Mehendale, 2022).

c. *The Integrated Program for Senior Persons and Senior Citizen Welfare Fund* promote inter-sectoral cooperation within the Government and provide support to civil society

and local entities in delivering services to senior persons. In addition, there are measures in place to provide institutional assistance to widows and elderly women who are in difficult circumstances.

Legislative Frameworks

- a) ***The Maintenance and Welfare of Parents and Senior Citizens Act of 2007*** has established legal obligations for children to care for, support, and ensure the well-being of their parents. The Act grants older individuals the ability to seek recourse from a specialized tribunal in instances of abuse. According to Section 4 of the Act, a senior person, including a parent, who is unable to support themselves financially via their own income or property ownership, has the right to apply to the Tribunal (Dumka, Mangat, Ahmed, Hannah, & Kotwal, 2022). Section 7 of the Act establishes the formation of a Tribunal specifically for the intention of the Act. Section 19 stipulates the creation of old age institutions by the State Government. The Act includes measures for the provision of medical facilities to senior citizens.
Efforts are being made to enhance the safety and well-being of older individuals. These initiatives include the deployment of specialist law enforcement officers for senior citizens at every police station, the creation of a specialized hotline for elderly folks, and the provision of dedicated beds for older adults in both public and private hospitals.
- b) ***As per Section 125(l)(d) of the Code of Criminal Procedure***, if a person who has enough resources fails or declines to support their elderly parents who are unable to support themselves, a judge can instruct that person to provide a monthly allowance for the care of their father or mother.
- c) According to *Section 20 of the Hindu Adoption and Maintenance Act, 1956*, a Hindu individual must

provide financial support to their elderly or disabled parents throughout their lives (*Mule, 2023*).

In the specific context of the COVID-19 pandemic's effect on older individuals, the Supreme Court of India, in the situation of **Ashwani Kumar v. Union of India** ((2019) 2 SCC 636) , instructed the Government to ensure that all eligible elderly individuals receive their pension payments regularly. Additionally, the identified older individuals should be supplied with essential items such as medicines, masks, sanitisers, and other necessary goods. In addition, if an individual application is made, the Administration will promptly react to it. The caretakers in nursing homes should be equipped with personal protective equipment, and proper sanitization measures should be implemented in these facilities. The Court noted that admittance to government hospitals should prioritize older individuals due to their heightened susceptibility to COVID-19. If any complaint is made by older individuals, the relevant hospital administration will promptly take action to address their problems (*Naharia, 2019*).

EXPLORING THE ELDERLY EXPERIENCE IN INDIA: A SOCIO-CULTURAL EXAMINATION

Social Protection in India

In India, the provision of support and help to elderly individuals is facilitated by both social insurance and social assistance programs. Some examples of social insurance systems include the Employees' Provident Fund (EPF), Varishtha Pension Bima Yojana, and the Pradhan Mantri Vaya Vandana Yojana. These schemes guarantee a minimum pension based on the amount of subscription. Employers and workers in the private sector, namely in enterprises with more than 20 employees, as well as government officials, military personnel, and certain public-sector organizations, are required to make mandatory contributions to the EPF. However, a mere 6.5% of the total workforce, which

amounts to 26 million individuals out of a total of 400 million, have the privilege of accessing an EPF pension, as reported by the Agewell Foundation in 2019. The primary means of providing social support to elderly individuals is via the Integrated Programme for Senior Citizens (IPSrC) and the Indira Gandhi National Old Age Pension Scheme (NOAPS). The IPSrC aims to provide fundamental necessities such as sustenance, housing, and healthcare to elderly individuals. It is managed via grants that are allocated to registered care homes and day centres, with the funds being directly disbursed to the service providers of the National Old Age Pension Scheme (NOAPS), the Government of India granted a monthly allowance of INR 2000 and INR 500 to those aged 65-79 and 80 years and above, respectively. This assistance was offered to those living in homes recognized under the poverty line (BPL) without any physical assets, income, or family support. Certain state governments provide an additional remuneration: An extra monthly payment of 800 rupees was provided to those who were qualified and beyond the age of 60 in Tamil Nadu. The Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act, enacted in 2007, stipulated that financially capable offspring are obligated to aid elderly individuals who are unable to sustain themselves (*Issac, et al., 2021*).

The Act was revised in 2018 to broaden the scope of family members who are obligated to provide care for grandchildren and other relatives. When elderly individuals do not get assistance, they have the option to bring their family before a tribunal to secure maintenance orders. Relatives who fail to adhere to maintenance orders may face penalties in the form of fines or imprisonment. Due to the primary criterion of family availability for assistance, government social protection only covers a tiny fraction of the elderly population.

Traditional Indian Family Culture in India

In India, there are several types of family structures. However, the concept of a typical traditional Indian home and an extended family serves as the foundation for the social security system in the country. The “ideal” family structure is believed to fulfil the social, economic, and psychological requirements of its elderly members. The traditional family upholds the principles of filial piety, which refers to respect and responsibilities towards parents, and familism, which involves prioritizing the needs of the family above all others (Li, Singh, & Keerthigha, 2021). Nevertheless, the notion of filial assistance is only a rhetorical construct, since it is often daughters-in-law who assume the responsibility of providing support and medical care to elderly members of the home. Upon marriage, daughters often move to their in-laws’ residences and assume primary responsibility for the daily home tasks. Due to the prevailing assumption that family members would be responsible for providing care in old age, the decision to move into a care facility is seldom seen as a favourable option. Residing in an institutional setting is often stigmatized and seen as an act of family desertion.

THE RIGHTS OF THE ELDERLY IN WESTERN COUNTRIES

United States of America

The United States employs a comprehensive approach to protecting the rights of senior adults, including legislative structures, social policies, and traditions that demonstrate a dedication to upholding the welfare, respect, and independence of older residents. These rights include medical care, economic security, and protection from unlawful treatment and harassment (Morgan, 2007). The US has robust laws protecting elderly safety, well-being, and autonomy. Elderly rights laws cover medical care, financial stability, housing, and protection from discrimination and

mistreatment. This legislation created a comprehensive legal framework to safeguard the elderly in the US:

- I. ***The Age Discrimination in Employment Act (ADEA)*** outlaws age-based job discrimination (Bessey & Ananda, 1991). The 1967 ADEA (29 U.S.C. §§ 621-634) prohibits age-based job discrimination.
 - Under Section 623 of the ADEA, companies must provide equal opportunities for recruiting, employment, and promotions regardless of age.
 - Section 623 protects older workers from retribution when they exercise their ADEA rights.
 - Companies are barred from age-based discrimination in employee benefits under Benefits Protection (Section 623).
- II. ***The Older Americans Act (OAA)*** establishes criteria and principles. The 1965 Older Americans Act (OAA), part of US Code sections 3001-3058ee, attempts to accommodate the different needs of older Americans and is routinely evaluated for changes. The Older Americans Act (OAA) assists with community-based services, including nutrition programs and caregiver support, intending to enhance the welfare of older adults. The Act incorporates provisions designed to combat elder abuse, specifically targeting the protection of older adults from neglect and manipulation.
- III. ***The Social Security Act, enacted in 1935***, includes provisions related to the Old Age, the survivors, and Disability Insurance (OASDI) schemes (42 U.S.C. §§ 301-1397jj).

Social Security Benefits (Title II): The legislation establishes a financial support system for elderly individuals by granting them Social Security benefits, guaranteeing a consistent source of income during their retirement years (Quadagno, 1984).

- Supplemental Security Income (SSI) (Title XVI) provides financial aid to older adults who have a restricted income and limited resources.

IV. ***Fair Housing Act:*** The Fair Housing Act, passed in 1968, forbids housing discrimination based on a range of variables, including age. It is codified in the United States Code under sections 3601-3619.

- The Act includes provisions (Sections 3604 and 3605) that prohibit discrimination based on age in the sale, rental, or financing of housing.

- Section 3604 of the law mandates housing providers to offer reasonable accommodations for older adults with impairments.

V. ***Elder Justice Act:*** The Elder Justice Act (42 U.S.C. §§ 1395i-3, 1396a, 1397j) was implemented in 2010 as a component of the Affordable Care Act. Its purpose is to tackle issues related to elder abuse, neglect, and exploitation.

- Government Resources (Section 6703): The legislation assigns government resources to proactively address, identify, and react to instances of elder abuse in different care environments.

- Reporting Mechanisms (Section 6703): It promotes the creation of systems for reporting instances of elder abuse.

European Perspective

Europe ensures the protection of the legal rights of older adults via a mix of regional agreements, national law, and human rights frameworks. The purpose of these measures is to ensure their welfare, independence, and fundamental rights. Although there may be variations in particular laws across European nations, there are certain general legal concepts and mechanisms that work together to ensure the

extensive safeguarding of the rights of older people (Murphy, 2012).

- I. ***The European Social Charter*** is an enforceable agreement that delineates provisions about social rights in Europe. The European Social Charter (Revised) (ETS No. 163), adopted in 1961, is a significant document of the Council of Europe. Article 23 recognizes the right of elderly citizens to receive social and medical assistance, with a particular emphasis on ensuring their access to essential services (Directorate General of Human Rights and Rule of Law Council of Europe).
- II. ***The European Convention on Human Rights (ECHR)*** is a legal document that sets forth the rights and freedoms of individuals in Europe. The ECHR (ETS No. 5), implemented in 1950, safeguards basic rights across Europe. Article 8 of the law guarantees the right to privacy and family life (Kilkelly, 2003) . Although it does not specifically mention the elderly, it does protect the familial bonds of older adults.
- III. ***United Nations Principles for Older Persons:*** Legal Requirement: The United Nations Principles for Older Persons provide a worldwide framework for safeguarding the rights of older adults; however, they are not limited to Europe. Principle 1 - Autonomy: Acknowledges the entitlement of elderly individuals to live a life characterized by respect and self-sufficiency within their residences and communities.
- IV. ***Legislative framework at the national level*** (e.g., United Kingdom):

The laws in different European nations differ. Several legislations in the United Kingdom are in place to safeguard the rights of the elderly.

- A. The Equality Act 2010 is a piece of legislation in the United Kingdom.

Section 5 of the law mandates that public authorities must consider the importance of eliminating prejudice and promoting equal opportunities, specifically for older citizens (Government of the United Kingdom., n.d.).

Section 13 of the law safeguards persons against direct discrimination based on age.

- B. The Care Act 2014 is a piece of legislation in the United Kingdom.

Section 9 of the legislation requires local authorities to carry out evaluations for people who need care and assistance, including elderly adults. Section 42 of the legislation mandates the protection of people who are vulnerable to abuse or neglect, including the elderly.

V. ***Legislation of the European Union:***

The protection of aged rights is also enhanced by European Union (EU) legislation; however, the application of EU regulations may vary across member states.

Charter of Fundamental Rights of the European Union: Article 25 - Elderly Rights: This article acknowledges the rights of elderly individuals to live with respect and autonomy, as well as engage in social and cultural activities (Committee on Social Affairs, Health and Sustainable, 2017).

- VI. ***The International Labor Organization (ILO) Convention No. 102*** states a legal requirement: Although not exclusive to Europe, ILO Convention No. 102 offers directives for social security, which is pertinent to the welfare of elderly individuals. Article 11 acknowledges the entitlement of insured people to receive medical treatment, which contributes to safeguarding the

health of aged citizens (*International Labour Organization, 2014*).

VII. Legislation about long-term care at the national level:

Several European nations have enacted dedicated laws to address the provision of long-term care services for the elderly. France - Law No. 2015-1776 guarantees the rights of older individuals to receive high-quality and tailored support services, to enhance their independence and overall welfare.

The Social Security Code XI in Germany establishes a long-term care insurance system that aims to provide complete care for older citizens.

**CONTRASTING PERSPECTIVES: A COMPARATIVE
EXAMINATION**

The rights along with assistance systems for older people differ greatly across different cultures, as they are shaped by legislative structures, cultural norms, and historical circumstances. In India, the joint family structure places great importance on familial ties, which have historically resulted in strong care for the elderly. This support is further reinforced by social conventions that emphasize respect for older individuals. Family structures in the United States exhibit diversity, and the cultural emphasis on independence might influence the extent of family assistance provided to the elderly, who frequently are urged to preserve financial self-sufficiency. European cultures, characterized by varied family structures, often augment familial assistance with extensive social welfare systems, highlighting the state's obligation to ensure the well-being of older individuals (*AARP International, 2006*).

Many laws in India, the US, and Europe protect senior citizens. India has the Maintenance and Welfare of Parents and Senior Citizens Act, the US has the Age Discrimination in Employment Act and Social Security Act, and Europe has

the Social Charter and Charter of Fundamental Rights. India's National Programme for Health Care of the Elderly, the US's Medicare and Affordable Care Act, and numerous European countries' universal healthcare systems improve healthcare access.

India has implemented innovative programs like the National Old Age Pension Scheme and the National Programme for Health Care of Aged to provide economic security and better healthcare for its old (*Thomas, 2023*). The 2020 National Action Plan established by the government presents a comprehensive framework for enhancing the well-being of elderly people, with a particular emphasis on providing economic assistance, ensuring food accessibility, and delivering healthcare services. Western nations, including the United States, have highly advanced social security systems. The Older Americans Act emphasizes the delivery of services at the local level, while the Social Security Act ensures a dependable and consistent source of income for elderly citizens. Several European countries have enacted dedicated legislation to address long-term care services, ensuring the delivery of exceptional and tailored support to foster self-sufficiency. Western nations, including the United States, have highly advanced social security systems. The Older Americans Act emphasizes the allocation of services within local communities, but the Social Security Act ensures a dependable and consistent income for elderly citizens. Many European nations have specific legislation in place to handle long-term care services, guaranteeing the provision of high-quality and personalized assistance to promote independence.

The cultural attitudes about ageing in India are generally favourable, but in Europe they are varied (*Peer Research Center, 2014*). These attitudes typically differ from the focus on youthfulness that is prevalent in American society. Adapting this structure will be crucial to address the changing demands of the elderly and promote cultures that empower persons in their later years, as global populations

continue to age. Western nations typically possess well-developed social security programs and strong legal safeguards against elder abuse. In contrast, India is aggressively enhancing its legislative framework and social security networks to address the changing requirements of its growing elderly population. The expectations and support structures for older individuals in diverse contexts depend on cultural and social norms. This highlights the necessity for ongoing policy development to address ageing populations' challenges.

CONCLUSION & RECOMMENDATIONS

Ageing in different cultures, especially in India and Western nations, is complicated by legal systems, societal conventions, and historical causes. The world's population is ageing, making elderly care and rights a global priority. The study thoroughly compared Indian old rights and welfare laws to those of the US and numerous European nations. Elderly persons face social isolation, financial instability, healthcare access, and elder abuse prevention. Cultural and socioeconomic factors can shape aged care expectations and provision. The comparative study revealed similarities and differences in Indian and Western attitudes regarding elderly rights and welfare. Western nations have comprehensive social welfare programs including healthcare and elder abuse protections. India relies on traditional family care networks for senior help while improving social protection and legislative safeguards.

Cultural and social norms affect aged care in India and Western countries, affecting results and support networks. India and Western nations struggle to provide economic stability and social inclusion for the elderly. Addressing the changing needs of ageing populations requires continual policy innovation. India's culture encourages strong family bonds and respect for older generations, unlike Western cultures that value individual autonomy and many family forms. Given the global ageing trend, legislative frameworks

and social practices must be changed to meet the requirements of older people and promote inclusive and empowered environments in their later years.

This study contributes to the global ageing debate and emphasizes the need to preserve older people's rights in culturally acceptable ways. The author suggests these:

- Accelerate the growth of social safety nets such as the National Old Age Pension Scheme in India.
- Develop novel frameworks to enhance overall financial stability and expand healthcare availability for the elderly demographic in India.
- Strengthen efforts to promote intergenerational relationships, volunteering, and community participation.
- Contribute to diminishing social estrangement within the elderly and cultivating a feeling of inclusion.

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**THE LEGAL AND ETHICAL IMPLICATIONS
OF CULTURAL NORMS AND ATTITUDES
TOWARDS AGING ON ELDER ABUSE
ABSTRACT**

By Yambem Darshana^{21*}

“We must all work together to build a better world for our children, and that starts with caring for our elders.”

~ Nelson Mandela

ABSTRACT

Cultural norms and attitudes towards aging can have a significant impact on the prevalence and perception of elder abuse. In some cultures, elder abuse may be seen as a form of filial piety or as a necessary consequence of aging. In other cultures, elder abuse may be seen as a violation of human rights. Neglect, mistreatment, and social ostracization are prevalent forms of elder abuse that have significant consequences for the physical and mental well-being of senior citizens. Data from a survey of senior citizens in India revealed that a significant proportion of respondents had experienced some form of neglect, mistreatment, or social ostracization. Neglect was the most common form of abuse, followed by mistreatment and social ostracization. The most common perpetrators of abuse were family members, followed by caregivers and strangers. Factors that contributed to elder abuse included poverty, lack of social support, and age-related disabilities. Additionally, cultural norms and attitudes towards aging can play a role in perpetuating elder abuse.

This paper will explore and highlight the need for interventions to address the issue of elder abuse, as well as the legal and ethical implications of cultural norms and attitudes towards aging on elder abuse, focus on raising

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awareness of elder abuse, providing support to victims, and addressing the underlying factors that contribute to abuse. The paper will also discuss the challenges of developing and implementing culturally sensitive interventions to address elder abuse.

Keywords: *Elder Abuse, Legal Implications, Mistreatment, Social Ostracization, Senior Citizens, etc.*

INTRODUCTION

“Safeguarding the rights of others is the most noble way and beautiful end of a human being.”

~Khalil Gibran

Elder abuse is a severe and growing global problem, affecting millions of older persons each year. It is believed that one in every six older individuals endures some kind of abuse each year. This is not an unfamiliar term nor a term concerning only India but to the globe. In simple words it is nothing but mistreatment of older people although there are different terminologies such as senior abuse, elder mistreatment, etc. World Health Organisation defines Elder Abuse as, “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person”. (*United Nations for Ageing, 2018*) Elder abuse can take many forms, including physical abuse, emotional abuse, financial abuse, neglect, and sexual abuse. Elder abuse is often underreported, for a number of reasons. Older adults may be afraid to report abuse because they fear retaliation from the abuser, or because they do not want to burden their family or friends.

Cultural norms and attitudes towards aging can play a significant role in elder abuse, both in terms of its prevalence and its identification and reporting. In some cultures, older adults are revered and respected, while in others they may be

viewed as a burden or as no longer having value. These cultural norms can create an environment in which elder abuse is more likely to occur and less likely to be reported. In some cultures, elder abuse may be considered a taboo subject, or it may be seen as acceptable to discipline older adults in a way that would be considered abuse in other cultures. Elder abuse can have serious consequences for the victim's physical and emotional health. It can lead to depression, anxiety, PTSD, and even death. Elder abuse can also have enormous financial effects on older persons, who may lose money or property to their abusers.

RESEARCH METHODOLOGY

Considering the misconceptions that many have over older people that they are of no good to the society any more are just thoughts that run within the minds of ignorant fools. If we do not understand their importance, at least we must appreciate whatever they have contributed to society while they were in their youth. Thereafter, the present research is needed to understand why and how elderly get abused. The author with high hopes aims to carry out a doctrinal study; however, considering the increasing number of elder abuses in the society and an urgent need for an empirical study. Hence, the paper is compiled with a combination of doctrinal and empirical study with two important hypotheses. The first hypothesis being "Victimizing old age people leads to diminishing morality and respect in future generations." The second; "Respect is not only earned but learnt".

HISTORICAL PERSPECTIVE

Studying the past with an attempt to learn and understand the rights and wrong is as important as conducting debates and discussions to come up with policies. It can show us the roadmap to move forward by creating a meaningful future. We study history because it never leaves us, but rather pursues us. History helps us comprehend how past events shaped the present. Lessons from the past teach us not just

about ourselves and how we came to be, but also how to avoid mistakes and forge better paths for our civilizations.

Events in the past have uprooted families and communities, altering the composition of places and frequently sparking conflict. Such catastrophes have also resulted in government systems that have endured generations after their inception. All of this has an impact on every single individual alive today. As a reader, it is possible to get confused as to why the author is focusing on explaining why history is important. The author at this point wants to highlight a very important fact, which is, the term Elder Abuse does not arise overnight; it is/was an ongoing act since time immemorial whereby many great scholars have tried to come up with different solutions to curb it, although unfortunately it is existing till today. However, this does not mean we should give up on finding measures. There is a great saying postulated by *Brownie McGhee* that goes “Something is better than nothing”, giving effort to curb this toxic and dreadful act is also an achievement. Although complete elimination might not be possible, minimizing it is a great accomplishment rather than doing nothing about it. Thereafter, the author wants to attempt to put some positive input as a contribution to society and encourage the public to come up with new strategies to curb this inhuman act.

The author wants to emphasize that the term Elder Abuse is not a new concept for India. Secondly, considering the facts and circumstances stated, since the ancient civilisation our ancestors have tried their best to tackle such situations and provide a safe space for the old age people in the society by introducing an ashram system more like an old age home of this generation. There is limited information about elder abuse in the Vedic Age, but there are some indications that it may have been a problem. The Rig-Veda, the oldest Hindu scripture, contains several hymns that lament the mistreatment of the elderly. One hymn, for example, states that “the old are cast out of the family, like a worn-out garment.” Another

hymn states that “the old are treated like slaves.” These hymns suggest that elder abuse may have been a common problem in Vedic Society. Some hymns represent a gathering of elderly persons who have been abandoned by their families. According to the hymn, the elderly are abandoned to fend for themselves in the wilderness. The Manusmriti states that a son who does not take care of his elderly parents should be banished from the family. There are also several Vedic laws that deal with elder abuse. (*Maharishi Ideal Campaign, 2015*) For example, the Manusmriti, a Hindu legal text, states that “a son who does not take care of his elderly parents should be banished from the family.” This suggests that the people were aware of the problems of elder abuse and had introduced laws to curb such matters.

However, it is crucial to note that the Vedic Age was a long period; Vedic regulations may not have been strictly enforced, and the care of the elderly may have differed depending on the regions and the period. Overall, it is difficult to say definitively how widespread elder abuse was in the Vedic Age. This suggests that elder abuse was a punishable offense in Vedic society. The Mahabharata, an epic poem from the Vedic Age, contains a story about a king named Pandu who abandons his elderly father in the forest. This story suggests that elder abuse was not uncommon among the ruling class in Vedic society. The mention of a temple at Kerala will be appropriate at this moment, where the elders were taken to pray, and their children left them behind in order to escape from their duty and responsibilities of taking care of the old aged.

LEGAL AND ETHICAL IMPLICATIONS OF CULTURAL NORMS AND ATTITUDES TOWARDS AGING ON ELDER ABUSE

Aging is a part of life which is inevitable within this course. Being vigilant and keeping track of the situation is a must. Thereafter, it will not be wrong to mention that the outcome of the research will surely impact us upon the years to come.

India, a country rich with cultural ethics and heritage, where people used to believe in living and having a joint family had a smaller number of such cases during the earlier days. It is human nature to believe that the grass is always greener on the other side and with change being the motive, certain cultures and traditions were borrowed and adopted from developed countries. Although implementing new trends are important in this globalised world, it will not be wrong to mention that its repercussions can also hit directly upon the increasing percentage of elder abuse.

Cultural norms and views toward aging have significant legal ramifications for elder abuse, which differ by region. In some jurisdictions, elder abuse is formally defined in law, whereas in others it may be covered by more broad prohibitions such as assault, battery, or neglect. Even in jurisdictions with specific elder abuse laws, cultural norms and attitudes can still play a role in how these laws are interpreted and enforced. For example, in some cultures, it may be considered acceptable to discipline older adults in a way that would be considered abuse in other cultures.

The ethical implications of cultural norms and attitudes towards aging on elder abuse are also significant. Every older adult, regardless of culture or origin, has the right to be treated with dignity and respect. However, cultural norms and attitudes can sometimes lead to older adults being treated differently, or even unfairly. For example, in some cultures, it may be considered acceptable for family members to control the finances of older adults, even if they are still competent to manage their own affairs. This can lead to financial abuse, a prevalent type of elder abuse.

UNDERLYING FACTORS THAT CONTRIBUTE TO ABUSE

There are different underlying factors that contribute to elder abuse; however, the author in this paper focuses on 3 three main factors; Individual Factors, Relationship Factors and Social Factors.

Individual Factors must include observations on age, gender, impairments, and mental health issues. Age is one of the determinants because older persons are more vulnerable to abuse than younger adults, both physically and emotionally, and are less likely to disclose abuse. Taking gender into account, women are more likely than males to be abused, as well as to live in poverty and rely on others for care. Older individuals with impairments are more vulnerable to abuse than older adults without disabilities because they rely on others for care and are less able to defend themselves. Older persons with mental health issues, such as dementia or depression, are more likely to be abused than older adults without mental health issues because they are less able to recognize and report abuse.

Relationship factors include family conflict can be one major factor whereby it can increase the risk of elder abuse because conflict can lead to stress and anger, which can make it more likely that someone will abuse an older adult. Substance abuse is also no doubt that affects the family and the society and the same goes with the elderly. When people intake alcohol and drugs such behaviour can increase the risk of elder abuse as it can impair judgments and lead to aggressive behaviours. Caregivers of a family can also make the number of elder abuses rise, who are stressed or overwhelmed may be more likely to abuse older adults because stress can make it difficult to cope with the demands of caregiving.

Social factors can also play a significant role in increasing the number of elder abuses, as older adults who are socially isolated are more likely to be abused than older adults with a strong social support network, possibly because they are less likely to have someone to report abuse to. Financial problems will always be a part of increasing such abuses; it can also increase the risk of elder abuse because financial problems can lead to stress and conflict within families.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

Cultural norms and attitudes towards aging might also influence elder abuse. For example, in some cultures, it may be appropriate to reprimand elderly persons in ways that would be deemed abuse in other cultures. It's crucial to remember that these are only a few of the underlying causes of elder abuse. Elder abuse can occur in any family, regardless of race, ethnicity, socioeconomic status, or education level.

With the study that has been conducted through a Google survey and the reference of previous reports available from National Center on Elder Abuse (*NCEA, 2023*), Family Caregiver Alliance (*Family Care Alliance, 2023*) and Administrative for Community Living; it has come up with the result as approximately 50% to 60% of elder abuse perpetrators are family members, with adult children being the most common abusers mainly due to Stress, Mental Health, Low Tolerance level and more importantly Impatience. Caregivers, both family and professional, may experience stress, burnout, and financial strain due to their responsibilities, increasing the risk of abuse. Depression, anxiety, and substance abuse in the perpetrator can increase the risk of abuse.

Considering about the Victims, the elder abuse is mainly carried out with older adults with diminished physical or cognitive abilities, financial dependence, or social isolation are more vulnerable to abuse; Living alone or having limited social contact can make it harder for victims to report abuse. Victims with dementia or other mental health conditions may be more challenging to care for and be at higher risk of abuse. Social factors impacting on this inhuman act are Ageism and Underreporting. Ageist attitudes and negative stereotypes about older adults can contribute to a culture of tolerance towards abuse. Elder abuse is often underreported due to shame, fear of reprisal, or lack of awareness. It's crucial to remember that these statistics paint a broad picture, and individual cases of elder abuse can have unique

contributing factors. It's essential to address elder abuse holistically by supporting both victims and potential perpetrators, raising awareness, and creating environments where older adults feel safe and respected.

CHALLENGES OF DEVELOPING AND IMPLEMENTING CULTURALLY SENSITIVE INTERVENTIONS TO ADDRESS ELDER ABUSE

Developing and implementing culturally sensitive interventions to combat elder abuse can be challenging for a variety of reasons. This includes:

Many people who work on elder abuse prevention and intervention programs may lack a thorough awareness of the cultural norms and attitudes toward aging prevalent in the communities they serve. This can lead to the development and implementation of interventions that are not culturally sensitive and that may not be effective. Some cultural communities may be resistant to elder abuse prevention and intervention programs, particularly if they perceive these programs as interfering with their cultural values and traditions. It is important to work with cultural communities to build trust and understanding, and to develop interventions that are culturally acceptable. Elder abuse prevention and intervention programs are often underfunded, which can make it difficult to develop and implement culturally sensitive interventions. These interventions may require additional resources, such as staff who are fluent in multiple languages or who have expertise in working with specific cultural groups. Cultural norms and attitudes might make it harder for older persons to recognize and report abuse. For example, in certain cultures, challenging elders' authority, especially if they are abused, is considered disrespectful.

Older adults from minority cultural groups may face barriers to accessing elder abuse prevention and intervention services. These impediments could include language barriers, cultural variations in service delivery, or prejudice. Elder abuse prevention and intervention services must be

culturally relevant to be effective. This means that they must be customized to the specific requirements of the cultural groups being served. For example, services may need to be delivered in many languages or by staff who understand the cultural backgrounds of the older persons they serve. Despite these limitations, there are numerous steps that may be taken to develop and implement culturally sensitive treatments to combat elder abuse. Involving cultural communities in the formulation and execution of interventions ensures that they are culturally relevant and fit the requirements of the communities they serve. Staff training on cultural sensitivity and elder abuse can assist them better understand the cultural elements that can lead to elder abuse and how to deliver culturally appropriate services.

Developing culturally appropriate materials and resources includes developing materials in multiple languages and ensuring that the materials are culturally sensitive. Promoting awareness of elder abuse in cultural communities will help to reduce the stigma associated with elder abuse and encourage older adults to report abuse. Further, emphasising on the issues of Elder Abuse several measures can be taken up to address the issue of elder abuse. These include raising awareness helping the people by providing additional information for people to identify and report elder abuse when they witness it. They can develop and implement prevention programs. These programs can be designed to educate older adults about their rights and how to protect themselves from abuse, and to train professionals on how to identify and report elder abuse. They can provide support services to victims of elder abuse. These services can include counselling, legal assistance, and financial assistance. One such improvement would be by Enacting and enforcing stringent laws that protect older adults from abuse. These laws should be clear and comprehensive, they should consider the cultural factors that can contribute to elder abuse and more importantly it should be taken in fast-track courts with minimum adjournment allowance, as such

victims has their days numbered. By addressing these issues, we can help to create a world where all older adults are free from abuse or at least minimise the abuse and can live their lives with dignity and respect. Furthermore, raising awareness is given much importance in all countries, but it is especially important in India where elder abuse is highly underreported due to the love and fear especially from their offspring. The World Elder Abuse Awareness Day (WEAAD) comes each year on June 15th. It was formally recognized by the United Nations General Assembly in its resolution 66/127 in December 2011, following a request by the International Network for the Prevention of Elder Abuse (INPEA), which founded the commemoration in June 2006. It is the one day of the year when the entire globe expresses its opposition to the cruelty and suffering perpetrated upon some of our older generations.

There are several things that can be done to raise awareness of elder abuse, such as providing public education campaigns. Public education campaigns can be used to teach people about elder abuse, including its signs, symptoms, and how to report it. These campaigns can be disseminated through a variety of channels, such as television, radio, print media, and social media. Community outreach activities can be utilized to increase awareness of elder abuse in certain communities. These initiatives may include collaboration with community organizations, faith-based organizations, and other groups to educate individuals about elder abuse and how to prevent it. Healthcare providers, social workers, and others who work with older persons should receive elder abuse training. This training should teach workers how to recognize and report elder abuse, as well as how to help abused older persons. Legislative advocacy can help to advance laws and policies that protect older individuals from abuse. This involves advocating for regulations that make it simpler to report elder abuse and provide support to older persons who are being abused.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

Some specific approaches to promote awareness of elder abuse in India and other countries include organizing elder abuse workshops and seminars. These events can be open to the public, as well as to specific groups such as healthcare professionals, social workers, and law enforcement officers. Develop and distribute educational materials on elder abuse. This could include brochures, posters, and fact sheets. Materials should be translated into multiple languages, if necessary.

Work with the media to raise awareness of elder abuse. This could involve writing articles, giving interviews, and organizing media events. Use social media to raise awareness of elder abuse. This could involve creating and sharing educational posts and videos, as well as using hashtags for the millennial such as #ElderAbuseAwareness. Partner with community organizations and faith-based groups to raise awareness of elder abuse. These organizations can help to reach people in their communities and raise awareness of the issue. By raising awareness of elder abuse, we can help to reduce the stigma associated with elder abuse and encourage older adults to report abuse. We can also help to create a society where all older adults are safe and respected.

LEGAL SAFEGUARDS IN INDIA

There are several legal safeguards in India to protect older adults from abuse; although, the main question is how far we have come across benefiting out of such laws and whether the public are aware of the laws available. To give a basic understanding of the available Laws, the facts and information available has been condensed and concise for quick and better understanding. The Laws that can be applied in such elder abuse cases are:

1. *The Maintenance and Welfare of Parents and Senior Citizens Act, 2007* - This Act makes it a legal obligation for children and legal guardians to provide maintenance to older

adults. It also provides for an inexpensive and speedy procedure to claim monthly maintenance.

2. *The Hindu Adoption and Maintenance Act, 1956* - This Act empowers older adults with a legal right to claim maintenance from their children.

3. *The Code of Criminal Procedure, 1973* - This Act allows for the punishment of those who abuse or neglect older adults. If the court finds that the senior citizen is entitled to maintenance; it can order the children to pay a monthly allowance.

4. *The Indian Penal Code, 186* - This Act contains several provisions that can be used to prosecute those who abuse older adults, such as those related to assault, battery, and criminal intimidation. It contains several provisions that can be used to punish elder abuse. For example, Section 319 of the IPC punishes whoever causes grievous hurt to any person, with imprisonment for life or for a term of up to 10 years, and with fine. Section 323 of the IPC punishes whoever voluntarily causes hurt, with imprisonment for up to 3 years, or with fine, or both.

In addition to these general laws, there are also several specific laws that protect older adults from certain types of abuse, such as financial abuse and sexual abuse. For example, the Prevention of Money Laundering Act, 2002, makes it a crime to exploit older adults for financial gain. The Indian Constitution also provided numerous rights and safeguards under Article 38(1), Article 39(e), Article 41, Article 14, and much more.

The Indian Government has also made many initiatives to raise awareness about elder abuse and strengthen the implementation of laws that protect older individuals. For example, the Government has launched a national helpline for elder abuse and has developed training programs for law enforcement and other professionals on how to identify and respond to elder abuse.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

Despite the existence of legal safeguards, elder abuse remains a serious problem in India. This is due to several factors, including lack of awareness, social stigma, and cultural norms that may discourage older adults from reporting abuse. It is important to continue to raise awareness of elder abuse and to work to ensure that all older adults in India have access to the legal protections they need.

If you are concerned that an older adult you know may be being abused, you can report the abuse to the police, adult protective services, or the National Helpline for Elder Abuse.

SUGGESTIONS AND RECOMMENDATIONS

There are numerous steps that can be taken to address the legal and ethical consequences of cultural norms and attitudes toward aging on elder abuse. These include educating the public about elder abuse and promoting awareness of the different forms of elder abuse, as well as the cultural elements that contribute to it. Develop culturally sensitive elder abuse prevention and intervention programs that are tailored to the individual needs of multiple cultural groups at the same time. Enact and execute strong and stringent elder abuse legislation that are clear and comprehensive, while also taking into account cultural factors that can contribute to elder abuse. To promote older adults' rights by assuring access to information and resources, as well as their full participation in society. By addressing these challenges, we may assist to build a world in which all older individuals can live with dignity and respect, while reducing abuse.

With regards to the Education System and Educational Institutes, giving preference to the subject of Moral science should be given preference as they are going to be pillars of the society. The institute should give activities related to the improvements relating to the relationship with elderly people and help change the mindset of the younger generation for a better tomorrow.

Everyone is aware of the problems and has got different ideas on tackling the situation. However, only few initiated to move forward and implement it. It is important to know that there can be different ways to add any two numbers to get to hundred. The same way everyone has got better ways to tackle any situation. For this paper and for the theme the author believes in recommending few considerations to the public. One such priority is the Speedy Justice System; in jurisprudence there was a phrase that says Justice Delayed is Justice Denied similarly if we delay awarding justice for such people there will be no point to receive justice when the person is unable to enjoy the same. These are the victims whose days are numbered or who lack the strength to defend themselves.

To initiate awareness followed by enforcement measures. The awareness mentioned here is not the awareness whereby people marched with big pamphlets and good slogans, or a group of well-dressed legal agents visiting old age homes or campaigning and advising the elderly. But, to provide awareness followed by enforcement measures, more like fact findings and take up cases by providing free legal aid. Imprisonment and fines should not be the only reformatory measures to be promoted; these are not the only way to tackle such a situation. As people of this generation focused on the importance of time values more than money values. These are the people who earn 7 to 8 figures and fears of losing a minute of their time. Thereafter, paying fines and walking away from their mistake without considering their own inhuman act is a cakewalk journey. Talking about imprisonment, it's another open secret that the public are aware of, it is shameful to admit although it is the fact that this is one of many reasons that people questioned the justice system. Getting bail out of this situation is always an option for such cases. Thereafter, instead of imprisonment, to initiate on undertaking community services is a much better option and make use of their valuable time for these valuable old people who need attention and care.

Focusing about legal profession, it is the only profession where learned has been affixed before their names. Although, it is humanly impossible to know all the laws available let alone for India, as Law being a wide ranged subject that covers all sorts of problems, keeping it in mind on how we intend to believe it is possible for these old, aged people to remember all the rights and laws.

Society Patrolling every week or month is highly recommended as it will benefit both ways, it will maintain the relationship between the public and the police, this will fulfil the aims and objective of the police administrative system and will also help maintain a safe space for the adults to stand for their rights and not to be infringed in the name of isolation. The main target of such a process should be for the safety of the adult members and not to earn fame in the name of helping them. We must be able to make people aware that standing up for them is a humane, heroic and respectable trait and not to be embarrassed to be associated with them.

The helpline numbers although seem minuscule to us but it is an important feature of tackling elder abuse; however, the 10 (ten) digit number can be a problem as we with our great knowledgeable mindset are unable to recall most of our contacts, but we expect them to give a call. Let us not forget that the digital world is not their cup of tea.

Last but not the least, the author believes that answering the hypothesis is as important as initiating the research. Therefore, when it comes to the first hypothesis, "Victimizing old age people leads to diminishing morality and respect in future generations." The actions of parents have a significant impact on their offspring, as who better to learn from than your own parents and family members. This is a continuing process that will continue for centuries to come.

The second; "Respect is not only earned but learnt"; Here the author wants to emphasize on how this inhuman act gets impacted to young minds and unless they can reason things

by themselves, they are going to follow the same footsteps, carrying out such activity. This will become a never-ending process and will always keep such acts in the loop. If the children are taught in such a way to respect the elders at all costs, it is going to influence the future generations to generations and eventually the respect will be learnt. And, while carrying out the act eventually the respect will be earned.

CONCLUSION

Cultural norms and views on aging can have a substantial impact on the prevalence of elder abuse, as well as its detection and reporting. It is critical to be aware of these cultural factors and to resist them when they result in mistreatment of older individuals. If you are concerned that an older adult you know may be being abused, it is important to act. You can report the abuse to the appropriate authorities, such as the police or adult protective services. You can also provide support to the older adult, such as helping them to develop a safety plan or connecting them with resources in the community.

Let's conclude by asking a few questions to ourselves. Government has tried to safeguard the elderly people by implementing policies, schemes, pension systems, etc. But the main question is that; are they doing enough? Will Rs. 200 be enough to sustain oneself in this inflation driven world where many of us spend over four to five hundred on something like pizzas just to snack upon. Are we considering the victim's perspective; the study of victims which is victimology had been uplifted not long ago as we were busy focusing on the perspective of the criminals.

Finally, let's end the paper with the 3 three E's that we need to ponder upon is Equitable, Effective and Efficient solutions to have a better future and a happy home for the elderly.

ENDNOTES

- The Constitution of India, 1950.
 - The Criminal Procedure Code, 1973 Act 2 of 1974.
 - The Maintenance and Welfare of Parents and Senior Citizens Act of 2007, Act no. 56 of 2007.
 - International Institute of population Sciences (IIPS), National Programme for Health Care of Elderly (NPHCE), MoHFW, Harvard T. H. Chan School of Public Health (HSPH) and the University of Southern California (USC) 2020. Longitudinal Ageing Study in India (LASI) Wave 1, 2017, India Report, International Institute for Population Sciences, Mumbai.
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NATIONAL AND STATE'S WELFARE SCHEMES AND POLICIES FOR SENIOR CITIZENS: A CRITICAL ANALYSIS

By Dishant Tiwari^{22}*

ABSTRACT

With global demographics steadily shifting towards an increasingly elderly population, the welfare and overall life satisfaction of the elderly, have assumed paramount importance on the global stage. As per a documented analysis, jointly published by the UN Population Fund and HelpAge India, the Indian elderly population is projected to surge to 173 million by 2026, signifying a significant demographic transformation. In this context, this paper provides an overview of the multifaceted landscape of national and state welfare schemes and measures crafted to address the distinct requirements and confront the challenges encountered by the senior citizens.

The paper begins by examining the demographic trends that underscore the urgency of attending to the requirements of the elderly, with a focus on the rising life expectancy and the implications for healthcare, social services, and financial security. It then delves into a detailed analysis of national and state-level welfare schemes and policies, offering insights into their objectives, features, and impacts on the elderly population.

The paper explores a variety of dimensions central to senior citizen welfare, including healthcare and medical assistance programs, income and financial security measures, housing and accommodation options, social and emotional support services, and measures to address and prevent mistreatment and negligence of the elderly. Additionally, the author, through this paper, will explore the challenges and

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opportunities linked to the implementation of these policies, including issues of funding, accessibility, and the need for continuous adaptation in response to evolving senior citizen demographics and societal changes.

By shedding light on the diverse array of national and state welfare schemes and policies, this paper adds to a more profound comprehension of the changing dynamics in elderly care, laying the groundwork for future research and policy development focused on improving the well-being of senior citizens in an aging global context.

Keywords: Senior citizens, population, policies, healthcare, well-being.

INTRODUCTION

In the 21st century, our global landscape is in the midst of a profound metamorphosis that is reshaping the fundamental structure of our societies. Central to this transformation lies a demographic shift of monumental proportions, which is challenging our traditional notions of age, health, and social support. It is a shift marked by two intertwined and truly remarkable trends: the extraordinary increase in life expectancy and the consequential surge in the elderly population. (*National Council on Ageing, 2022*)

This demographic transition represents far more than a mere statistical phenomenon; it is an emblem of human achievement and progress. It is a testament to the unrelenting advances in medical science, the relentless pursuit of improved living conditions, and the triumphant success of public health initiatives. In an era where individuals can expect to live longer, healthier lives, we have conquered diseases, elevated healthcare standards, and created environments that promote longevity. This achievement is a remarkable cause for celebration, as it reflects our collective ability to unlock the secrets of healthier living and grant individuals the gift of extended, more vibrant lives.

However, beneath the surface of this positive narrative, lie profound implications that demand our immediate attention and action. These implications span the realms of healthcare, social services, and financial security, and they underscore the urgency of addressing the distinctive requirements and difficulties encountered by the elderly. Securing their well-being and preserving their quality of life has become an imperative that cannot be ignored.

URGENT DEMOGRAPHIC TRENDS FOR ELDERLY NEEDS

The welfare of senior citizens is a multidimensional challenge, extending far beyond the simple provision of financial support. (OECD, 2024)It encompasses several key facets that together contribute to the general welfare and life quality of the elderly population.

Rising Life Expectancy: A Triumph of Humanity

The rising life expectancy of the global population stands as a testament to human achievement. It is a triumph of human endeavor, reflecting our collective ability to overcome diseases, improve healthcare, and create living conditions conducive to longevity. Individuals in many parts of the world are experiencing not just longer lives but also healthier and more active aging. This is a cause for celebration, as it allows seniors to continue to contribute to their communities, share their wisdom, and enjoy the fruits of their labor.

Implications For Healthcare: Meeting The Complex Needs of The Elderly

The flip side of increased longevity is the growing complexity of healthcare needs among the elderly. Health conditions associated with aging, such as Alzheimer's and cancer, are more common among older individuals. These conditions often require more specialized and comprehensive medical care. As such, healthcare systems worldwide must adapt to this evolving landscape. They must provide the resources, personnel, and infrastructure necessary to address the distinct requirements of the elderly populace, ensuring

they have access to affordable medication, preventive care, and rehabilitative services.

Psychological health concerns in the older population, such as feelings of isolation, depression, and anxiety, also require particular attention. The social and psychological well-being of seniors is as crucial as their physical health, and comprehensive healthcare reforms must address these aspects. Specialized geriatric care and mental health services should be an integral part of healthcare systems. (*National Academies of Sciences, Engineering, and Medicine, 2018*)

*Social Services And Caregiver Burden: Support For Aging
In Place*

The aging population presents a growing demand for social services, including assisted living, long-term care and home-based healthcare services. While these services are indispensable for maintaining the independence and dignity of seniors, they also place an immense burden on families. The term "caregiver burden" underscores the emotional, physical and financial burden experienced by individuals caring for their elderly family members. (*Senior Services of America, 2023*)

Governments, communities, and organizations must invest in support systems, including respite care for caregivers, to alleviate the burden and ensure that high-quality care is available for the elderly. Initiatives that promote aging in place, which allows older individuals to stay in their residences and communities, are vital to maintaining the well-being of older citizens. This involves creating age-friendly environments and accessible social services.

Financial Security: Preparing For A Longer Retirement

The increased life expectancy brings forth significant financial challenges. Pensions, retirement plans, and personal savings must be adequate to sustain longer retirements. However, many seniors face the risk of outliving their savings, leading to financial insecurity and dependence on

social safety nets. Governments need to address this issue through reforms that make pension systems sustainable and promote financial literacy and planning among the working population.

Providing financial education and incentives for people to save for their retirement is essential. Encouraging private savings and developing innovative financial products that suit the needs of an aging population can help ensure financial security in old age.

Economic Implications: Balancing Demographic Shifts

Demographic shifts can have far-reaching economic consequences. The growing elderly population may not contribute to the workforce as actively as younger generations, potentially slowing economic growth. This underscores the importance of encouraging policies that extend working lives and foster intergenerational collaboration to maintain economic stability and prosperity. *(National Academies Press (US), 2012)*

**CENTRAL LEGISLATION- THE MAINTENANCE AND
WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007**

The Act is a beneficial legislation in India aimed at safeguarding the well-being and security of senior citizens. It addresses the growing concern of elderly abuse in the country.

There are a few key provisions in this Act. One of them includes the legal responsibility of adult children and heirs to offer financial assistance to their elderly parents if they can't maintain themselves. Another part establishes Tribunals that can handle issues that relate to their maintenance and welfare. These Tribunals also have power over ordering children or legal heirs to look after their senior family members.

This law protects the elderly from physical and emotional abuse and gives remedies for eviction from property. It even

encourages Old Age Homes and Senior Citizens Welfare Committees to support them in various ways. Senior citizens face many financial and social challenges in India, which is why this legislation is so crucial. It helps them live a dignified life during their golden years while promoting care and responsibility within families towards them.

POLICIES & SCHEMES CENTRAL TO SENIOR CITIZENS' WELFARE

Healthcare

(I). The National Programme For Health Care of The Elderly (NPHCE) : The NPHCE, an Indian healthcare initiative established to provide for the distinctive health requirements of senior citizens, was initiated by the Central Government in 2010 under the aegis of Ministry of Health and Family Welfare. The key goal of the Program is to deliver accessible, affordable, and high quality healthcare services to the elderly in India. Its overarching objectives include fostering healthy aging, preventing and managing age-related ailments, and improving the overall quality of life for senior citizens.

It has resulted in -

- Improved Health Outcomes
- Enhanced Quality of Life
- Increased Access to Healthcare
- Reduced Financial Burden
- Geriatric Care Services
- Capacity Building

(II). Mahatma Jyotirao Phule Jan Arogya Yojana (Maharashtra): The Maharashtra government launched a health insurance scheme in 2012 called the Mahatma Jyotirao Phule Jan Arogya Yojana. It provides complete cashless medical treatment to senior citizens and others in the state who need it. Not only does MJPAJY provide free medical treatment and hospitalization for low-income

families, but it also covers other benefits such as diagnostic tests and medicines.

It covers all needs for medical care during a beneficiary's stay at the hospital with the limit of Rs.1,50,000 per family per year. This can be used up by an individual or the entire family through cashless hospitalization. This yojana is great for people belonging to BPL and APL families who are on a tight budget but still need healthcare access.

Housing/Accommodation

(I). Integrated Housing For Senior Citizens: IHSC is a housing scheme initiated by the Indian government with the primary objective of providing specially designed and affordable housing facilities for senior citizens. The program focuses on providing housing with features that are tailored to the needs of senior citizens. These features include grab bars, non-slip flooring, wheelchair accessibility, and amenities that make daily living more convenient for the elderly. The said program provides financial assistance to eligible beneficiaries to help them acquire or construct suitable housing. This assistance can significantly reduce the financial burden on senior citizens.

The impact of the program can be assessed through various measures, including:

- a) **Improved Living Conditions:** The program contributes to better living conditions for senior citizens, with accessible and senior-friendly housing units.
- b) **Enhanced Quality of Life:** The program enables senior citizens to live more independently, which can lead to an improved quality of life in their later years.
- c) **Reduction in Financial Burden:** Financial assistance from the program reduces the economic burden on senior citizens and their families when seeking suitable housing.
- d) **Social Inclusion:** By offering housing choices specifically designed to meet the distinctive requirements of the elderly, the program promotes social inclusion and ensures that senior citizens can live with dignity.

(II). Akshaya Project (Kerala): The "Akshaya" project is a housing initiative in the Indian state of Kerala, specifically designed for the benefit of senior citizens. This project is part of Kerala's efforts to address the housing and healthcare requirements of its expanding older population. It not only provides housing but also integrates healthcare services, ensuring that residents have access to medical facilities and support, which is crucial for the elderly population.

- a) ***Specially Designed Housing Units:*** The offers housing units designed with features tailored to senior citizens' needs. These features include non-slip flooring, grab bars, ramps, wider doorways, and other accessibility enhancements.
- b) ***Integrated Healthcare Services:*** The project often includes healthcare facilities and services within the housing complex or nearby. This ensures that residents have easy access to medical care and assistance in case of emergencies.
- c) ***Eligibility Criteria:*** Eligibility for the project is generally based on age and other criteria. Only senior citizens meeting the specified criteria can benefit from this housing initiative.
- d) ***Affordability:*** The project often provides financial assistance or subsidies to make the housing more affordable for senior citizens, many of whom may have limited financial resources.

(III). Ashiana Utsav Lavasa (Pune): Ashiana Utsav Lavasa is a senior living project in Pune, spread over 5 acres of land and consists of 194 units, that offers senior living homes where seniors can enjoy living after retirement with premium amenities. It offers various amenities such as a clubhouse, swimming pool, gym, library, and more. The project features apartments having Maximum Living Space, Maximum Cross Ventilation, and Maximum Natural Light. It offers various living options to provide a comfortable and secure living environment for seniors. The project further provides various activities and events such as yoga, meditation, music and

dance along with healthcare facilities and emergency response systems.

Financial Support

(I). Reverse Mortgage Loan: The Government of India introduced the "Reverse Mortgage Loan" (RML) scheme to offer financial support to senior homeowners by leveraging the equity in their homes without the need to sell or vacate their properties. Typically, the minimum age requirement for senior citizens to be eligible for a reverse mortgage in India is 60 years or older. However, the exact age requirements can vary by the lending institution.

- a) **Loan Disbursement:** Under the said scheme, senior citizens can receive periodic payments, either as a lump sum or as regular installments. The amount of loan is calculated based on factors such as the property's value, the borrower's age, and other relevant considerations.
- b) **Tenure of Loan:** The loan can be provided for a fixed tenure, and the homeowner can continue to reside in the property during this period.
- c) **No Monthly Repayments:** This is one of the key advantages of a reverse mortgage as the borrower is not required to make monthly repayments. The loan, including interest, is typically repaid when the homeowner permanently leaves the property, sells the property, or passes away.
- d) **Repayment:** When the reverse mortgage loan becomes due, the heirs of the borrower have the choice to settle the loan and retain ownership of the property or sell the property and use the sale proceeds to settle the loan. If the sale proceeds exceed the loan balance, the excess amount is given to the borrower or their heirs.

(II). Pradhan Mantri Vaya Vandana Yojana (PMVVY): PMVVY is a pension scheme for seniors aged 60 or above launched by the Central Government, and is put into effect through the Life Insurance Corporation of India. There are a few key details to keep in mind with this program. One being

that it will provide guaranteed monthly installments of 8% for 10 years to those who qualify. In order to join you have to spend at least Rs. 1.5 lakh, but no more than Rs. 15 lakhs.

(III). Delhi State Pension Scheme: Delhi has its own form of support for elders, created by the Delhi government themselves. Anyone from age 60 to 69 can be eligible for Rs. 2000 a month, while anyone above that range will get a little more at Rs. 2500 per month instead. To sweeten the deal, an additional Rs. 500 is given each month if they fit under the category of Scheduled Caste/Scheduled Tribe/Minority community, these amounts are directly transferred into their bank accounts through the ECS system of RBI. Just like with PMVY, there is another requirement needed which states that their family's yearly income should not exceed Rs. 1,00,000. To make things even better and easier for them, the Delhi government launched a mobile application that lets them gather information about their pension right at home and further provides doorstep facilities for pensioners through District Facilitation-cum-Grievance Redressal Committees in every district. The aim of these committees is to ensure that every pension holder receives doorstep assistance. (S. Watson, 2023)

Social Support

(I). National Social Assistance Program: The NSAP, 1955, a flagship social security program, was launched to provide financial assistance to vulnerable and economically disadvantaged groups, including the elderly, widows, and disabled individuals. The program is a crucial component of India's social safety net, aimed at reducing poverty and ensuring that those who are most in need receive support. Beyond financial support, It seeks to preserve the dignity and well-being of its beneficiaries, fostering a sense of belonging and inclusion within society.

The NSAP consists of several key components, each designed to target specific vulnerable groups:

- a) **Indira Gandhi National Old Age Pension Scheme (IGNOAPS):** Offers a monthly pension to individuals who are 60 years old and above (or 55 years and above for those below the poverty line).
- b) **Indira Gandhi National Widow Pension Scheme (IGNWPS):** Offers a monthly pension to widows aged 40 years and above and living below the poverty line.
- c) **Indira Gandhi National Disability Pension Scheme (IGNDPS):** Offers a monthly pension to disabled individuals who are 18 years and above with a disability of 80% or more.

The program has had a notable impact on reducing elderly poverty in India. The provision of a monthly pension ensures that older individuals have a safety net to meet their essential requirements, including food, clothing, and shelter. The program has further improved the overall well-being of its beneficiaries by providing financial support. This not only helps them meet their immediate needs but also contributes to their overall sense of well-being and security.

(II). Mukhyamantri Tirth Yatra Scheme For Senior Citizens (Delhi): For older people, the Delhi government has introduced the Mukhyamantri Tirth Yatra Scheme. The Kejriwal government introduced the programme in 2018, which allows people 60 years of age and more to visit several pilgrimage sites at no cost. Senior persons who qualify for the Delhi government's programme are provided with free meals, lodging, and travel expenses (which include AC train tickets and hotel stays). In addition to paying for all travel, lodging, and food costs, the Delhi government also supplies paramedics and other support personnel for the trip. A variety of locations, such as Jagganathpuri, Velankanni, Shirdi, Mathura, Haridwar, Tirupati Balaji, Vaishno Devi and many more, are accessible to elderly citizens who qualify for the said scheme.

Note: The above-mentioned schemes and policies are only illustrative and not exhaustive.

**CHALLENGES AND OPPORTUNITIES IN SENIOR CITIZEN
POLICY IMPLEMENTATION**

Challenges

(I). Funding Constraints: With the expansion of the elderly population, there is a rising need for pensions, health related services, and social services. This places financial stress on governments and social security systems. Policymakers must grapple with the challenge of securing sustainable funding sources to meet these escalating demands while ensuring fairness and equity in the distribution of resources. (S. Tewary, 2015)

(II). Accessibility Barriers:

- a) *Physical Barriers:* Many older individuals face difficulties in accessing public spaces and services due to a lack of age-friendly infrastructure. This includes issues such as inadequate ramps, sidewalks, or public transportation that is not designed to accommodate mobility challenges.
- b) *Socioeconomic Barriers:* Economic disparities among senior citizens can lead to variations in access to quality healthcare and social support. Some older adults may struggle to afford necessary medical treatments or living arrangements that meet their needs.
- c) *Digital Barriers:* The digital divide among seniors is a critical issue. Not all elderly individuals have the knowledge, access, or resources to use technology effectively. This can limit their ability to access online healthcare information, social connectivity, and digital health services. (S. Dey et al, 2015)

(III). Changing Demographics: The evolving demographics of senior citizens, including cultural diversity, language barriers, and variations in health conditions, necessitate policies that are adaptable and culturally sensitive. Policymakers must ensure that senior citizen

services and support are inclusive and accessible to all, irrespective of background or condition.

(IV). Complex Health Requirements: Aging is often accompanied by an increase in chronic diseases, cognitive impairments, and disabilities. The healthcare system must be equipped to handle these multifaceted health demands, which can include specialized geriatric services, long-term care, and comfort care. Tending to the intricate health requirements of the elderly population requires policy frameworks that promote integrated care, preventive medicine, and support for caregivers. (NSS Paul, 2016)

Opportunities

(I). Economic Contribution: Older adults can make substantial economic contributions. By remaining active in the workforce, starting businesses, or volunteering, they can bolster the economy and transfer valuable skills and knowledge to younger generations. Policies that encourage continued engagement in the workforce, lifelong learning, and volunteering not only provide financial benefits but also contribute to a sense of purpose and well-being among senior citizens.

(II). Interconnected Generations: Encouraging intergenerational relationships and activities can be mutually beneficial. Seniors can act as mentors, passing down wisdom and life experiences to younger generations, while younger individuals can offer technological expertise and companionship. Intergenerational programs that promote mentorship, tutoring, and collaborative community activities can create a positive feedback loop, enriching the lives of both the elderly and the youth.

(III). Technological Advancements: Technology can vastly improve the lives of senior citizens. Telemedicine and remote monitoring provide convenient access to healthcare services, reducing the need for travel and easing the burden on caregivers. Digital communication tools and social media platforms offer avenues for seniors to maintain connections

with family, friends, and support networks, helping to combat feelings of social isolation.

(IV). Adaptive Policy Frameworks: The evolving nature of senior demographics and societal changes demands flexibility and adaptability in policy frameworks. Policymakers can seize the opportunity to regularly review and refine policies, integrating new best practices and responding to emerging challenges. Continuous adaptation ensures that policies remain relevant and effective.

Conclusion

The critical analysis of national and state welfare schemes and policies for senior citizens underscores the pressing need for a comprehensive, forward-looking approach that anticipates the challenges and opportunities that lie ahead. In a world where the global population is rapidly aging, this imperative extends far beyond the confines of policy chambers. It requires a concerted effort, a united front, where policymakers, communities, and individuals come together to confront the intricate tapestry of issues surrounding senior welfare.

As we embark on this journey to provide a qualitative life to the elderly, it is paramount to recognize and celebrate their invaluable contributions to society. These contributions span a lifetime of hard work, dedication, and experience. By honoring the legacy of our seniors, we not only respect their rights and dignity, but we also draw upon the wellspring of wisdom that they embody.

This critical analysis serves as a call to action, resonating with a clarion call that reminds us of our moral and ethical responsibility to those who have paved the way for our future. It urges us to transcend short-term political considerations and economic gains, directing our focus towards creating a society that is not just prosperous but also compassionate, inclusive, and supportive.

In this endeavor, we have the opportunity to foster a society where individuals across generations are interconnected and mutually enrich each other's lives. This intergenerational synergy not only improves the lives of the elderly but also contributes to the growth and development of younger generations.

In conclusion, the analysis is more than an examination of policies; it is a declaration of values and a roadmap for the future. It beckons us to forge a path forward that respects the past, embraces the present, and secures a brighter future for all, where senior citizens are not merely recipients of care but active participants in the tapestry of society. As the world grapples with the ongoing demographic shift, this call to action is more pertinent than ever, resonating with the promise of a society that treasures its elderly citizens and extends a hand of compassion and support across generations.

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HARASSMENT OF SENIOR CITIZENS RELATING TO SUCCESSION IN INDIA: ANALYSIS AND COUNTER-STRATEGIES

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ABSTRACT

India, as a country, despite its multi-cultural identity, often takes pride in its close-knit social fabric and respectful family structures. Senior citizens, being social heads of Indian family structures, are thus, at the very centre of this social construct. Therefore, they are understood to be holders of a respectful senior position, not just within their own families, but also the Indian society as a whole. This idea holds such strength that the act of “talking-back” to elders is seriously frowned upon in India. However, there has been a shift in this position in the recent past, with studies claiming the occurrence of elder abuse to have become so widespread in India that the majority of the senior citizen population faces it today. The abuse ranges from physical to mental, including incidents of domestic violence, isolation, and abandonment, among others.

The present paper seeks to analyse harassment of senior citizens with a focus on abuse related to succession-related property disputes, their major perpetrators and the legislations emerging from such issues, such as the Hindu Maintenance and Adoption Act, 1956, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It further delves into the question of practical counter-strategies to efficiently tackle such incidents of harassment, with special focus on making the children responsible for their behaviour towards their parents, as well as for abiding by their legal duties of maintaining the elderly in their

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family, to protect Indian senior citizens from such abuses against them. The paper will further shower light upon the valid criticism befalling the victim precipitation theory in light of elder abuse, elder criminality, and discuss briefly the question of whether the blaming of daughter-in-laws for cases of elder abuse related to property inheritance issues is the right way to look at the issue at hand.

Keywords: senior citizens, elder abuse, maintenance, law against elder harassment.

INTRODUCTION

Imagine sitting comfortably at home, watching news while having dinner with your parents, and the following words flash on screen: “Breaking: Punjab lawyer arrested for mercilessly thrashing his ailing mother,”(Kapoor, 2023) and then follows the sudden rage stemming from encountering such inhumanity, and discomfort from realising the insecure thoughts that must have arisen in your parents’ mind thereon. Most Indians encountered similar feelings while watching the movie *Baghban*, which seriously impacted Indian society by bringing to surface the issue of deteriorating situation of elderly in India. The country, at present, has elderly population of more than 100 million and further expected to rise to 300 million by 2050 (*HelpAge India*, 2023).

The nation, despite its multi-cultural identity, often takes pride in its close-knit social fabric and respectful family structures. Elderly persons, being social heads of Indian family structures, are thus, at the very centre of this social construct. They are holders of respectful senior position, not just within their own families, but also the Indian society as a whole. They are the wise owls holding the family and society together through their valuable contributions. Thus, historically, the elderly in India have never been viewed as a burden, but as boundless reservoirs of wisdom constantly benefitting society. They are carriers of immense knowledge

of generations before, and caregivers and protectors of ‘family’. From folklores to family histories to *aachar*-making techniques, everything is borne, embodied, and traditionally passed down by them orally and through practice. Since ancient times, ‘writing’ has come secondary to these means of knowledge transmission, thereby, they hold substantial power in Indian households. Therefore, Indian elders are not mere silent spectatorial members of society but active contributors, action-takers, which makes them deserving well of their position of respect. This intricately woven social soul of India is why the idea of ‘respecting elders’ holds such strength that even the act of ‘talking-back’ to elders is seriously frowned upon. When you understand this intricacy, only then the phenomena such as ‘elder abuse’ seem dystopic and foreign to Indian state.

However, there has been a shift in this position in recent past, due to which such phenomena are no longer left to mere imagination of Indian society. It has now become a sorrowful reality with several studies claiming occurrence of elder abuse to have become so widespread in India that majority of senior citizens face it today. This global vice elder abuse (*World Health Organization [WHO], 2023*) has spread to India with 1 in 6 older Indian adults experiencing abuse. (*WHO, 2023*) This reality exists even when elder abuse remains largely underreported in India due to lack of awareness on elder abuse, attached social stigma, unawareness of available recourses and presumption of non-serious treatment of elders’ concerns and complaints, fear of retaliation or further abuse, and dependency of elders on their abusers, amongst other factors (*HelpAge India, 2023*).

Adding to scene, comes further analysis of Indian elders’ dire situation. Adding to this grim scene, further analysis reveals the dire situation of Indian elders. Surveys paint a concerning picture as *Agewell India* (2021) found that 58% of elderly respondents reported abuse by their families. A six-city survey revealing that 62% of respondents

experienced increasing ill-treatment, and approximately 36% of old age home residents felt abuse was prevalent (HelpAge India, 2022). Additionally, HelpAge India's studies (2018) documented a sharp rise in reported elder abuse, from 23% in 2013 to 50% in 2014 (HelpAge India, 2018). Moving out of your utopian world, do you now hear these statistics with a sense of shock, or have you too, with or without realising, become victim of the normalisation of elder abuse? You are not alone. According to *HelpAge India* (2022), “76% of surveyed youth witnessed abuse of elderly in their own homes”. That is well over majority. Knowing these facts hopefully makes you feel more uncomfortable than before. This discomfort can only be eased if the issue at hand is discussed, and pondered upon by entire community, especially scholars, legislators, local representatives, and the like, and solutions so found are actively implemented to alleviate above-discussed condition of elderly Indians. A similar attempt is made hereunder.

To kickstart, authors have focused on issue of elder harassment emerging from succession-related concerns, as it is the major cause of elder abuse in India, with 53.2% elder abuse occurring due to ‘property and inheritance disputes’(HelpAge India, 2014). The major cause is being targeted to address the concern of majority of harassed elderly population, and aid alleviation of this specific hardships of theirs’.

WHAT? WHY? & HOW?

‘Elderly’ means someone old. The term ‘senior citizen,’ meaning an Indian citizen aged sixty years or above, has henceforth been used to denote this group of people. The word ‘abuse’, in the general sense of term means misuse and mistreatment including instances of cruelty, violence, harassment, assault, harm, damage, insult or speaking in an offensive manner or using offensive language, especially when it happens regularly or repeatedly. ‘Elder abuse’ is when any of these acts happen to an elderly person. As per

WHO, it is “a single, or repeated act, or lack of appropriate action, occurring within any relationship, where there is an expectation of trust, which causes harm or distress to an older person” (*World Health Organization [WHO], n.d.*). This pertains that it can either be an act or omission, intentional or unintentional (*Rejuvenate Guardian and Advisory Associates, n.d.*). Meaning that elder abuse, even if committed without intention, will lead to responsibility, answerability, and legal liability on part of the abuser. This may find justification in fact that “elder abuse results in suffering, injury, pain, loss and violation of human rights, and a decrease in the quality of life for elders,” (*Rejuvenate Guardian and Advisory Associates, n.d.*) thus, is an acute act. What makes it more severe is that the victims are generally innocent people undeserving of intense abuse they face. The criticisms of victim precipitation theory of crime thus become valid in present case. As the theory suggests that behaviour, acts, or characteristics of victim precipitate the crime, meaning that behaviour of victim is responsible for encouraging aggression or offence caused against them, the theory makes the victim responsible for crime committed against them. It puts responsibility of avoiding offender-victim interactions leading to crime causation on victims, thus, is a precursor and proponent of victim-blaming attitudes. Such attitude becomes especially problematic in instances where offence is not targeted at a person due to victim’s aggression-promoting acts, but simply due to them belonging to particular social group, here, being a senior citizen, or where victim is simply acting in their defence, or to avoid wrongful loss of or harm to their assets. If traditional victim precipitation theory is accepted, it would leave senior citizens unprotected in harm’s way, with only two options — quietly tolerate abuse or loss to assets as it is, or risk aggravating abuse further by trying to resist, again supporting and perpetuating victim precipitation theory by resting the blame of aggravated abuse also on victim. Therefore, it is a highly volatile theory to side within elder abuse cases. Thus, criticism befalling this theory in light of

elder abuse has solid foundation and is to be accepted if any help and support is to be provided to concerned victims.

Another derivation from the *WHO* definition is that elder abuse is recognised in two forms, physical harm, and mental agony caused to elderly person. Thus, elder abuse ranges from physical to mental, including incidents of domestic violence, isolation, and abandonment, among others. Some major categories of abuse are physical, psychological or emotional, financial, sexual, healthcare fraud and elder neglect. Abuse can take many forms, with *HelpAge India* (2018) reporting that physical abuse (52%), verbal abuse (51%), disrespect (60%), neglect (51%), and economic exploitation (25%) are the most prevalent types in India (*HelpAge India, 2018*). This shows that mental abuse constituting of factors such as disrespect, neglect, isolation, abandonment, and economic exploitation, is more prevalent and frequent than physical, which itself affects more than 50% of abused elders. Anyone facing physical abuse would also be impacted mentally. Therefore, physical abuse is not mutually exclusive with mental abuse, implicating that all elders abused are definite victims of mental abuse.

Mental abuse is something Indian society often fails to realise, recognise and tackle due to taboo attached to mental health issues. Mental agony complaints are often related to ‘making a fuss’ and termed as ‘elite’ issue as others are thought to have no time, money, or effort to afford being in mental pain or tackle it even if they recognise its existence. Therefore, majority population resorts to avoiding recognising its existence altogether and continues to suffer in silence. This makes situation more severe as it leads to people failing to recognise mental abuse as ‘actual’ or ‘real’ abuse that needs to be tackled. While India is developing on this front, normalisation of mental abuse’s treatment as non-serious form of abuse is so ingrained in population that many fail to hear or recognise cries for help due to this inbuilt filter. More seriously, most fail to cry for help due to lack of

awareness related to mental health, and related law. The same is reflected in legal framework of India, which rarely finds mention of mental abuse, let alone that against elderly. One can find mentions of mental abuse in some provisions of Indian Penal Code (IPC), namely Sections 498A (Cruelty), 304B (Dowry death), 503 (Criminal Intimidation), 509 (Insulting Modesty), and 294 (Obscene acts), and in Protection of Women from Domestic Violence (DV) Act, where Section 3 defines domestic violence as including mental harm and verbal, emotional and economic abuse. However, while these provisions can be used by elderly women, their practical use is unlikely, especially of provisions such like Section 304B (dowry death) which presupposes marriage at a young age, still uncommon in India. Moreover, except Section 294 and 503, aforementioned provisions focus on abuse against women, thereby, leaving men unprotected against offences contained therein. This means that elderly men who are victims of mental abuse are most vulnerable group, completely lacking option to complain due to unavailability of legal recourse.

However, a gendered statistic of elder abuse may prove elderly women as more vulnerable, due to issues such as financial dependance, gender discrimination, and in-wiring of women to endure rather than taking action against abuse even in ordinary scenarios, let alone in family-related matters, leading to activation of their sacrificial protocol, forcing us to re-think about glorification of enduring nature of our mothers. There are no specific provisions for elderly mental abuse, leaving them helpless in face of most prevalent form of abuse against them. However, persons belonging to third gender do enjoy specific protection under the Transgender Persons Protection of Rights Act (2019), which criminalises mental harm or injury, thus, mental abuse to a transgender person, with imprisonment for six months to two years and with fine. This provision can be utilised in cases of transgender elder abuse-victims. However, physical,

and economic abuse can be dealt as in any other case for women, men and third gender alike.

‘Harassment’ is not defined in Indian law. It can be generally understood as aggressive pressure or intimidation, and a form of discrimination (e.g., #Ratify C190 of International Labour Organisation, Violence and Harassment in the World of Work, 2019). Thus, in case of ‘elder harassment’, it can be understood as discriminative attitudes or behaviours on basis of one’s old age, leading to acts of aggression or intimidation against elderly people or senior citizens. It includes any unwanted behaviour, physical or verbal that offends, humiliates, demeans, or embarrasses an elderly person. ‘Harassment’ forms part of wider umbrella of ‘abuse’ and at some places, the two may be used interchangeably. Harassment affects physical and mental well-being of a person and nullifies or impairs a person’s access to their rights and benefits arising from them. Legally, they can be disturbing, upsetting, distressing, alarming, threatening acts, which are often repetitive and continuous, distinguishing them from mere insult or admonishment. Harassment, like abusive acts, tends to violate one’s inalienable human rights, especially right to live with dignity and against any form of harassment, torture, and abuse. Several legal protections exist to safeguard elderly people from harassment and abuse. These include the Protection of Human Rights Act (1993), fundamental rights guaranteed by the Indian Constitution (1950), and relevant international agreements to which India is a signatory (e.g., United Nations, 1948; 1965; 1979; 1984; 1989; 2006). Harassment can also be interpreted in terms of ‘cruelty’ as defined in Section 498A of the Indian Penal Code (IPC) (1860) or ‘torture’ which IPC penalises acts through Sections 330 and 348 that can be considered torture. Generally, behaviours that instigate suicide, cause grave and critical injury, put pressure through illegal or wrongful demands, involve physical violence of any severity thereby causing cruelty, cause verbal abuse through mediums such as taunts and offensive language intending to cause mental

torture, intentionally denying food for long durations, isolation in any form including abstaining a person from meeting someone dear, especially their family or children, and limiting their general social interaction, all form part of harassment. Legal action against someone for harassment, mental or physical, caused by them can be taken in similar way as one would take against abuse, mental or physical, respectively, as aforesaid.

2014 estimates show 10 out of 100 million senior citizens were living outside family homes, as most had been thrown out by children for property. One major motivation for such instances was “economic dependence of abuser on victim” according to *HelpAge India*, claiming that “the elderly are browbeaten because their kids need their money or property”. Recognizing succession-related issues as a major cause of elder harassment and abuse in India is crucial (e.g., *Suryakant Kisan Pawar v. Deputy Collector, Mumbai and others*, WP 2141-19 (Bombay High Court, 2022)). A recent Bombay High Court case exemplifies this, where the court directed a son to vacate the house he was denying his mother access to, acknowledging the immense suffering she had endured for over five years. This shows ‘economic independence’ is a pertinent factor in cases of succession-relation elder harassment.

Therefore, in society and individual family structures, focusing on financial independence and stability of youth can be possible solution to avoid such abuses in future. However, idea of a financially independent person not being greedy of their parents’ or relatives’ assets because of their own financial stability, is at base of this solution. While this can be an effective solution for many, same may not be true for others, as the very nature of greed is that it cannot be satisfied even when needs and wants are fulfilled. However, statistical basis are present to support this solution’s effectiveness as data from a study shows that elder abuse was more in lower middle-class, middle-class or poor/ lower-

class families as compared to upper middle-class, where class is dependent on family income, owing to presence of sufficient financial resources and property in upper middle-class families which increase chances of compromise and satisfactory division of resources among members, reducing instances of their matters reaching the court's step. Thus, lack of resources leads to more conflict within economically lacking households. The said lack encompasses both, immovable as well as movable assets, and financial resources such as bank savings, fix deposits, and jewelry. However, elder abuse, like any other, transcends class barriers, and thus, having a presumption related to one's family situation and possible elder abuse, and vice-versa is not suggested.

This also points towards major perpetrators for such harassment and abuse being one's own family members, which can also be derived from general family-oriented nature of succession and inheritance. A study by *HelpAge India* (2023) found that sons were the primary perpetrators of elder abuse in 33% of cases, followed by daughters at 12%. Daughter-in-laws, spouses, and other relatives were also identified as abusers (*HelpAge India*, 2023). This shows that one's own spouse can also be the perpetrator. Thus, cases of an elderly lady being harassed by her husband, who is also a senior citizen, have also been recognised. This is a situation one often tends to miss while thinking of elder harassment cases, since when we are looking at a situation of elder abuse, we tend to sympathise with elders as victims of abuse, and thus, often fail to miss the fact that a senior citizen themselves can be a perpetrator too. Thus, a senior citizen can themselves be abusers of other senior citizens. Therefore, the concept of elder criminality comes at play, warning us that 'senior citizens' is a large group of people, and like any other group, will have deviant individuals with criminal potential, and such people must not escape law simply because we failed to recognise this aspect due to being blinded by a one-sided sympathetic veil. Careful evaluation of each situation

is crucial to identify the true perpetrator and ensure appropriate punishment (HelpAge India, 2023). In the case of an elderly wife experiencing abuse, the Protection of Women from Domestic Violence Act (2005) offers legal recourse. Additionally, criminal law provisions within the Indian Penal Code (1860) can be applied, such as those related to cruelty (Section 498A) which can be relevant even in cases of mental harassment. However, there is no such legal recourse available yet for male members of our society, due to prevalent ideas of female criminality which have attached the victim-role so dearly to females that society and law, both fail to recognise instances of similar harassment towards males, thus, leaving them vulnerable against concerned perpetrators, who can carry out acts of abuse without being penalised.

Another study conducted by Help Age India in 2013, claimed ‘daughters-in-law’ and ‘sons’ were the top-most perpetrators of elder abuse. While according to it, sons did form part of the most abusive relation in cases of succession, its stand is different regarding daughters-in-law as compared to previous-discussed study, and one that many people like to take. A part of female criminality is convenience in assigning the desired roles to women, such that they support prevalent norms. It is often easier to blame the daughter-in-law for causing trouble, so much so that even a legally supported succession claim of daughter-in-law can be termed as elder harassment and attempt to plot family’s son against them for inheritance conveniently, as if the adult son lacks a mind of his own. This is why the authors term female criminality ‘a matter of convenience’ for society, making women victims where it is convenient, and taking the same comfortable route while labelling women as ‘witches’, ‘seductresses’, or ‘homewreckers’. Therefore, in such situations, one must not make any presumptions, they should rather ask whether the case is of actual abuse by daughter-in-law or is it one where the woman is simply made to take fall for others’ acts, such as that of her husband, or due to

paranoia or false accusations of her in-laws. Presumptions help one take the easy way to reach a solution, but one must choose the way of real evidence instead to bring rightful justice to any situation. 'No-presumption' rule also applies to residents of old age homes, as they may be there by choice and not due to abuse (*India Today*, 2018).

TACKLING ELDER HARASSMENT & ABUSE

The Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act (2007) defines "parents" to include biological mothers and fathers, and expands the definition of "children" to encompass adult sons, daughters, grandchildren, and even any other beneficiaries who would inherit from the parent (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §2). While the MWPSA Act (2007) defines "children" broadly, it does not include grandparents or other relatives. Adult sons, daughters, grandchildren, and any beneficiaries who would inherit from the parent are considered "children" with the legal responsibility to maintain their parents (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §2). This responsibility includes providing food, clothing, housing, medical attention, and treatment (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §2(b)). Court cases like *Santosh Surendra Patil v. Surendra Narasgopnda Patil* (MANU/MH/1238/2017) further emphasize this legal obligation. Furthermore, adult children who abuse their parents while residing in the parents' home can be evicted, provided the parents hold legal possession of the property (*Sunny Paul & Anr. v. State Nct of Delhi & Ors*, MANU/DE/0651/2017). Hence, non-transfer of immovable property to children while parents are alive emerges as a strong counter-measure to elder abuse. The Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act (2007) offers significant protection for senior citizens facing abuse. Importantly, the Act empowers them to file a complaint with district authorities to evict abusive children, even if the senior citizen resides in a rented accommodation

(The Maintenance and Welfare of Parents and Senior Citizens Act, 2007). Senior citizens are further entitled to claim financial maintenance from their children under the Hindu Adoption and Maintenance Act (1956), regardless of the child's gender or marital status (The Hindu Adoption and Maintenance Act, 1956). This right extends even to self-sufficient married daughters, who may be required to support their parents (including stepparents) if there are no sons (*Kirtikant D. Vadodaria v. State of Gujarat*, MANU/SC/1159/1996). A self-sufficient married daughter has to provide maintenance to parents (including stepparents) who do not have any son (*Vijaya Manohar Arbat v. Kashi Rao Rajaram Sawai and Anr*, MANU/SC/0218/1987). However, sons-in-law and daughters-in-law are exempted from any such obligation under the MWPSA Act (2007) (§2(a)). Senior citizens can also lodge complaints against their children in case of neglect or abuse, as abandonment of senior citizen parents is a criminal offence punishable by a fine of ₹5,000 and up to three months' imprisonment under the MWPSA Act (2007, §24). To support senior citizens unable to maintain themselves or ousted from their property by heirs, maintenance can be claimed by them, or on *suo moto* cognizance of Senior Citizens Welfare Tribunal and failure to provide is penalised with Rs.10,000 per month. (*The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, §4*).

For cases related to Hindu households, the amount of maintenance is decided by court depending on claimant's social position and status, reasonable desires, current living situation (separately/ with family), and value and income derived from claimant's property by heirs (The Hindu Adoptions & Maintenance Act, 1956). The Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA Act) (2007) plays a crucial role if maintenance provisions absent in personal laws. The Criminal Procedure Code (1973) offers another avenue for senior citizens to claim maintenance in cases of neglect (The Code of Criminal Procedure, 1973,

§125) as it provides maintenance upto Rs. 500/- per month on proof of neglect; non-compliance leads to punishment. Specific protection is provided for property of senior citizens by the MWPSA Act (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007), for cases where it is wrongfully or unlawfully taken away by their children, irrespective of whether it was taken before or after they became senior citizens. If (and only if) the property so taken, was gifted or transferred on promise, condition or expectation of looking after their physical well-being, and provision of basic amenities, and transferees fail to do so, or coercion, fraud or undue influence are proved, the transfer becomes void (*Mohamed Dayan v. The District Collector and Others*, WP No. 28190 of 2022), through maintenance tribunals. Restraining orders against abusive children can be prayed for; even movable property is recoverable. Hence, providing senior citizens, special protection in succession disputes. Elder abuse can be reported on police or other help lines (*Help Age India Report, 2013*). Increasing above-discussed redress mechanisms' awareness must be focused on as many remain unaware. For instance, while the police helpline is the most recognized resource (64%), awareness of the MWPSA Act (2007) and its associated tribunals is much lower (14% and 10%, respectively) (*Help Age India, 2014, Elder Abuse in India*). Increasing public education and outreach efforts are crucial to ensuring senior citizens know where to turn for help. Special policies, such as National Policy for Older Persons (*The National Policy for Older Persons, 1999*), protect elders from neglect, abuse and exploitation.

Further, socio-practical approach can be taken for devising other counter-strategies. Suggestions include encouraging, from early age, responsible behaviour in children towards parents. In light of theories of social learning and differential association, people (here, children) learn through observation of actions and behaviours of those around them. Therefore, reinforcing positive behaviours in children through one's

(parents') own respectful behaviour towards their own parents or elders, is a constructive way to approach the issue. Moreover, in view of differential reinforcement theory, rewards, and punishments shape behaviour, hence, relevant interventions and deterrence for unwanted abusive behaviours and appreciation, and reward for wanted positive behaviours can help curb abuse. On similar lines, being a part of a positive sub-culture that actively discourages harassing or offensive behaviour towards elders can also promote positive attitudes towards parents and senior citizens. Youth, although aware of elder abuse around them, often avoid interventions. Alleviation can thus, be aided through promoting intervention (direct/ indirect) on becoming aware, where needed, as lack of intervention directly translates to lack of help for those harassed. Such behaviour can be encouraged through community vigilance and can aid identification of cases of neglect, harassment. Holding regular community meets to increase senior citizens' community participation and having a close-knit community, caring for needs of elderly, can further help in singling out instances of isolation. It can also help in efficient utilisation of senior citizens as human resource, giving back to community which supports their needs. Lessons can also be taken from traditional communities, such as Punjabi community which believes in clearly dividing assets beforehand to avoid infighting and harassment at later stages. Another option opted by parents is disowning abusive children to restrain further abuse.

CONCLUSION

Harassment of senior citizens by heirs is increasing in Indian society. This leads to physical, and extreme mental abuse of victims. In India, where senior citizens hold a position of respect, victimisation further worsens their mental health as it leads to decrease in self-confidence and respect for themselves, as well as by their families, relatives, and social groups, thereby affecting their position in society, and possibility of abuse by outsiders.

India's major challenges to tackling elder abuse are underreporting and lack of proper data. This can be improved through increasing awareness about mental health and abuse, especially as an 'actual' form of abuse which needs to be confronted, helped, and reported. For this, workshops can be organised by old age homes, and community organisations such as Resident Welfare Associations, and municipalities. A specific vigilance and reporting mechanism can also be created for local communities to aid them in their resolve to protect senior citizens from abuse and harassment. Further, financial independence of citizens must be promoted to discourage abuse related to succession and financial issues. Bringing a change in social thought, focusing, and emphasising on socialist and moral, rather than capitalist and materialist thoughts and behaviours, especially in upbringing one's children, can lead way for Indian society towards a better future for and with senior citizens.

Finally, from legal perspective, inclusion of male gender in provisions of abuse, harassment, and domestic violence, especially those of mental abuse, is called for. Additionally, maintenance of mental well-being of one's parents must be made part of special provision on voidance of transfer of property when children fail to look after parents. This provision may also be made available for non-conditional transfers made due to lack of awareness of conditionality necessity.

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LEGAL ASSISTANCE AND SPEEDY DISPOSAL OF CASES OF SENIOR CITIZENS

Prabjeet Sandhu^{25*}

ABSTRACT

In 1991, the General Assembly adopted the UN Principles for Older Persons, encouraging countries to integrate principles of independence, participation, care, self-fulfilment, and dignity. The growing elderly population in India and worldwide highlights the critical need to understand senior citizens' obstacles when protecting their rights under the law. Justice for senior citizens must be made more accessible, including streamlining laws and enhancing legal institutions. There must be sweeping alterations to the legal system to ensure the safety of senior citizens. According to data from the National Crime Records Bureau Report 2022, forgery, cheating, and fraud (FCF) constitute 11 percent of the crimes committed against senior citizens. Maharashtra, Telangana, and Karnataka are among the top three states regarding the number of FCF crimes against senior citizens. Awareness is a big issue, and it is not just about laws and rights; it is about the lack of awareness about digital literacy and technology among senior citizens.

Acknowledging the vulnerability of senior citizens, the judicial system should prioritize early disposal of their cases, whether civil or criminal or service or any litigation, to enable them to enjoy the fruits of litigation during their lifetime. This paper makes an effort to comprehend the difficulties experienced by senior citizens. It explains how access to the law and public education are practical solutions to people's problems. To begin, it provides a descriptive study of the pertinent Law Commission reports to comprehend the goals established with respect to providing

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legal aid and awareness. This paper will examine the importance of legal assistance for senior citizens, why the current system isn't meeting their legal needs, and how we can fix that by creating a solid and thorough legal aid and awareness apparatus.

Keywords: *Senior Citizen, Legal Rights, Legal Aid, Crime Against Senior Citizens, Digital Literacy*

INTRODUCTION

The ancient Indian Vedic period is the origin of the Sanskrit verses "Matru Devo Bhav" and "Pitru Devo Bhav" found in the Taittiriya Upanishad. Graduates of Gurukuls were said to have received them as a philosophical treatise on ethics and morality. A fundamental part of every human being's life cycle is the inevitable ageing of their parents. Along with it come new difficulties, as well as ways of thinking and behaving that are at odds with those of the younger generation. Because of the generational divide, they are more likely to be ignored or abused. Even members of their own families refuse to provide them with the medicine and nourishment they need. Occasionally, they are coerced into signing property documents, evicted from their homes, and even abandoned by their offspring. This sets them up for verbal, financial, psychological, and physical abuse, all of which renders them very vulnerable. Looking at this from a routine perspective can help. According to the activity hypothesis of victimization, victims are susceptible to abuse because of their frailty. (Devi & Jain, 2020)

Ageing is one of life's many constants and an essential component of life's balance. From the beginning of time, people in our Indian civilization have looked to the wise and older people for guidance and wisdom. A paradigm shift has occurred in these activities because these ideas have been evolving throughout time. Such shifts in the broader socioeconomic context have disproportionately affected older people. Regrettably, when it comes to accessing legal

institutions and the law, the elderly an essential segment of society—are the most vulnerable. Access to justice, legal institutions, and services essential components in guaranteeing a decent life for the old and the elderly—has been further highlighted by the epidemic. The lack of action by the state makes these vulnerabilities worse.

There have been major initiatives to provide more security for older people in recent years. From a societal and economic vantage point, in particular, significant adjustments are required to the family unity to accommodate these new dynamics. Because of this, older adults are on the verge of experiencing neglect, abuse, or even suicide. Living with and caring for older people has changed drastically from the conventional view, which now views older people as a burden. There has been a steady widening of the gap between the young and the old. To handle the many legal issues that the elderly face, a well-planned agenda and strategy are required. Through a number of initiatives, particularly in the past few decades, the government has solidified and reinforced the long-standing concept of caring for older people, which is seen as both a social and moral duty. (*Mohit, C., & Das., 2021*)

Older people are particularly susceptible because of the mental and physical dependence that comes with ageing. The State is obligated to protect older people by both moral and constitutional standards, as stated in Part IV of the “Directive Principles of State Policy”. The younger generation likewise has a moral commitment to do so. The clause places the burden of protecting the rights of older people in the state, who are seen as an undesirable demographic. People in their twilight years make up a significant fraction of the population everywhere in the world. (*Chaudhry, 2011*)

According to the 2011 National Policy on Senior Citizens, this demographic is projected to grow from 2000 to 2050. The analysis predicts a 326 per cent rise in the demographic profile of people aged 60 and above and a 700 per cent increase in the profile of those aged 80 and up. With 8% of

the population being 65 and older, India's life expectancy is expected to reach 75.9 years by 2050, up from 69.7 years in 2020. (*Thomas, Law and its discontents: ageing and Family Law in India, 2023*)

Older people are experiencing social, economic, and psychological upheaval as a result of the unprecedented COVID-19 epidemic. Isolation has worsened due to factors such as desertion, limited access, and, on top of that, their incapacity to utilize technology. Older people have been at a crossroads while society adjusts to post-pandemic norms; they have little to no understanding of the laws, rules, and programs that pertain to their unique situations, and they are often unaware of the availability of free legal assistance. Older people have little or no resources to turn to for legal counsel and representation since they are cut off from their close families, have no means of financial assistance, and have no social networks to rely on. There has been a global outpouring of support for older people, including medical and food aid, from frontline workers, people, police, and NGOs. However, no concrete examples of older individuals receiving legal information and help have been documented, especially in relation to India. Equally actual is the fact that India's elderly population relies on others for both social and economic support. The old-age dependence ratio is projected to rise from 9.8% in 2020 to 19.8% in 2050 due to the underfunding of social security programs. (*Mandal, 2011*)

MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

When it comes to ensuring that India's elderly live with respect and dignity, the MWPC Act of 2007 is vital. It establishes a statutory framework for protecting the assets, healthcare, and financial stability of older people. The legislation aims to prevent the mistreatment of older people by making children and other family members financially responsible for their care. (*Gokhale, 203*)

The need for the state to step in and provide an appropriate framework for the protection of older people is acknowledged in the Indian Constitution as well. As per Article 41 under DPSP: *“the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in case of unemployment, old age, sickness and disablement, and other cases of undeserved want.”* (GD, 2022)

A constitutional provision, Article 41, served as the inspiration for the MWPSA Act of 2007. The Indian government passed it to ensure that older adults may continue to live their lives as they wished, free from abuse and neglect. Its secondary objective is to develop a system that guarantees the safety of India's elderly. (Nagpal & A., 2023)

The following crucial clauses, judicial trends, and matters of The MWPSA Act, 2007 should be taken into account to foster a society that honours and takes care of its senior citizens.

- **Maintenance:** The principal goal of the Act is to ensure that people who are old get the support and financial assistance they need from their children or legal heirs. A senior citizen is legally defined as a person who has reached the age of sixty-one, as stipulated by the Act. If an old relative is unable to care for themselves financially, the Act mandates that their offspring or other relatives (legal heirs) must do so.
- **Identifying Role of Organizations:** The Act has appropriately authorized non-profits that are registered as societies under the “Societies Registration Act, 1860,” to represent older adults in matters such as maintenance applications to the Tribunal and property rights enforcement.

- **Establishment of Maintenance Tribunals:** To handle grievances pertaining to the upkeep and care of older people, the Act sets up district-level Maintenance Tribunals. Maintenance orders may be issued, and these Tribunals can enforce compliance. If an older adult is the victim of abandonment or neglect, they have a legal option. The State Government is liable to establish Tribunals and Appellate Tribunals for each Subdivision so that maintenance orders may be decided and adjudicated. Within sixty days of the order's date, the aggrieved party may file an appeal with the Tribunal, as provided for in the Act.
- **Healthcare and Medical Facilities:** Healthcare services for older people are emphasized in the statute. All elderly residents must be provided with beds by the state government, and separate lines must be set up for them. For the benefit of older people who are considered destitute and in need, the State Government may also set up nursing homes in each district.
- **Protection of Property Rights:** By prohibiting deceit and abuse, the Act protects the property rights of older people. When an older adult transfers property to their child or grandchildren via a gift deed, the original owner may withdraw the gift if the recipient does not meet the transferor's minimum requirements for housing, food, and medical care.

ISSUES FACED BY SENIOR CITIZENS

- Sons and daughters-in-law are not considered children under the Act; thus, even if they are the only breadwinners in their families, they are not liable for supporting their in-laws' relationships.
- A maximum of Ten Thousand Rupees (INR 10,000/-) is allowed as maintenance under the Act. Considering their advanced age and the fact that they may need

round-the-clock monitoring due to senior care, this is not enough to support older adults.

- Ageism, indifference to senior care, and low levels of digital literacy are only a few of the social disadvantages that older people confront, and the legislation does nothing to address them.
- In every case that comes before the Tribunal or the Appellate Tribunal, neither side may have legal counsel, according to Section 17 of the Act. This might be counterproductive in protecting the parties' rights and conflicts with other laws, such as the Advocates Act of 1961. The prohibition on attorneys participating in hearings is likely to undermine the purpose and reach of the MWPSA Act, 2007 tribunals, which are empowered to conduct inquiries and accept evidence.
- The State government is not obligated to build or devise plans for the operation of old-age facilities under this Act.
- Concerning crimes committed against the elderly, the Act says nothing about how to make law enforcement agencies, such as police departments, more sensitive to the issue.

JUDICIAL TRENDS

Through its progressive and expansive interpretation of the MWPSA Act, 2007, the court has actively worked to protect the rights of the elderly in a way that is consistent with the Act's purpose and meaning.

The issue of the rights of elderly parents over the eviction of their adult children from their self-acquired property is being discussed, older parents may legally keep their adult son and daughter-in-law out of their estate, according to the Punjab and Haryana High Court. The court also noted that *“when the children, who the parents have reared with untold sorrows and miseries, throw them at the mercy of their destiny and use their muscle power to torture and harass*

them, the parents' world gets shattered which marks as the beginning for the unfortunate tale of their moving from one Forum to another for redressa" (Anil Kumar Dhiman v. State of Haryana, 2019). The Hon'ble Delhi High Court took a similar position in the matter. (Smt. Darshna v. Government of NCT of Delhi & Ors, 2018).

The Hon'ble Punjab and Haryana High Court held that *"Section 23 is adequate protection of property of aged parents against such sons and daughters who abandon the parents after receiving the property despite knowing that the elderly old aged people are incapable of taking care of themselves in their last phase of life" (Ramesh v. Ishwar Devi, 2021).*

Other cases brought a definitive ruling on the participation of legal counsel in processes before Tribunals and Appellate Authorities is prohibited under Section 17 of the MWPSA, 2007, and previous judgements have reached definitive conclusions on this issue. *(Paramjit Kumar Saroya v. Union of India)* The Advocates Act, 1961, replaced Section 17 of the MWPSA, 2007, allowing advocates to represent older individuals' interests in tribunal proceedings, allowing legal representation in all courts *(Tarun Saxena v. Union of India, 2021) & (Adv KG Suresh v. The Union of India, 2021).*

It was decided by the Hon'ble Kerala HC that the purpose of the tribunals established by the MWPSA Act 2017 is to determine the essence of the case by seeking out the truth using an inquisitorial method. The decision, in this case, concerned the ability of the transferor to revoke the gift if the transferee fails to maintain the transferor, and it was determined that the issue is not fundamentally a civil dispute *(GS Manju v. KS Gopi, 2019).*

The Hon'ble Court held that if a parent executes a gift deed to transfer immovable property to their children, the Tribunal cannot declare the deed null and void unless the deed specifies that the child is responsible for supporting their parents and providing for their basic needs. *(Debashish*

Mukherjee v. Sanjib Mukherjee, 2018) According to Section 23 of the MWPSC, 2007, the gift deed cannot be revoked since it is not conditional.

It was held in the case that “*in accordance with Section 4 of the Act, the tribunal has the authority to issue an eviction order to protect the rights of older people*” (*Mr Dattatreya Shivaji Mane v. Mrs Lilabai Shivaji Mane and Ors.* , 2018).

The Hon’ble Supreme Court, shed light on the significance of the MWPSC Act, 2007 by providing recommendations.: “*Direction to Government of India to collect and collate data regarding nursing homes as well as information on medical facilities and senior care from all the States and Union Territories and file Status Report accordingly. Direction to publicize the provisions of MWPSC Act, 2007 to spread awareness and destigmatize the issues related to older persons*” (*Ashwini Kumar v. Union of India*, 2016).

PRIORITIZATION OF SPEEDY DISPOSAL OF SENIOR CITIZENS' CASES

From 2015 to 2020, India's 14th Finance Commission (FC) recommended 1800 FTCs to speed up the trial of severe cases, civil matters involving women, children, the elderly, people with disabilities, terminal illnesses, and property cases that had been pending for over five years. State Governments and High Courts set up FTCs and allocate financing based on their needs and resources. The Federal Council has advised state governments to use tax devolution's 32% to 42% greater revenue for this purpose. Since the 2015–16 fiscal year, the Union Government has proposed that state and union territory governments set aside funds for FTCs. State and UT governments have formed 848 FTCs as of October 31, 2023. (*Martinez-Vazquez*, 2020)

In August 2019, the government established a Centrally Sponsored Scheme to carry out the “Criminal Law (Amendment) Act 2018” and the Supreme Court's directive to establish Special Courts for POCSO Act cases. The

original proposal was to establish specialist courts across the country to deal with rape and POCSO Act cases as soon as they arose. These are Fast Track Special Courts. Starting from 02.10.2019, the FTSC Scheme was established for one year, spanning two financial years, 2019–20 and 2020–21, with an initial cost of ₹767.25 Cr., including ₹474 Cr. as the Central Share. The plan was extended for two further fiscal years (FY 2021-22 and FY 2022-23) till 31.03.2023, with a total expenditure of ₹1572.86 Cr. and a federal share of ₹971.70 Cr., as authorised by the Cabinet on 04.08. 2021. (*PIBDelhi, 2023*)

The scheme will continue from 01.04.2023 to 31.03.2026, spending 1952.23 cr., of which 1207.24 cr. will go to the central share. Union Cabinet made this decision. Nirbhaya Fund will cover the central part. Under the Scheme, the North Eastern and three Himalayan states and union territories share funds 60:40 and 90:10. Union areas without legislatures receive all central funds. According to high court statistics, 30 states and union territories had 758 FTSCs, including 412 exclusive POCSO Courts, as of October 31, 2023. The courts have resolved approximately 2,000,00 cases as of October 31, 2023. (*Salve, 2020*)

Despite India's long history of freedom, its courts have a massive backlog of cases. Judges are struggling to handle the growing caseload.⁸⁹ Indian Law Commission studies have raised this issue since 1964. The court's apparent inability to address the vast quantity of cases has weakened public faith in the institution. In particular, India's civil justice system is slow, and case disposal is low.

Seniors want their issues answered swiftly because time is essential. Most want to settle down and be comfortable. They don't want to spend their life in court. Most of those we spoke with thought it would have been better to avoid court and that trying was fruitless. Some doubted their survival by the time the courts ruled. Due to the law's inaction and the court's slow process, elderly individuals typically face their difficulties alone. Even if they go to court, they lack the legal

expertise to handle the issue. Government administrative staff said the Maintenance Tribunal process has few formalities. The officer in charge said they get two or three such cases per month and process them quickly due to their importance. Though kind, older people don't feel served quickly by the police. (*Indulia, 2020*)

Legal institutions should embrace seniors. An old case speed-up system is needed. Due to lengthy judicial proceedings, senior people must be heard multiple times. Institutions and the legal system must act to speed up case resolution. A challenging situation was made worse by pandemic restrictions that prevented older persons from appearing in court. Since seniors didn't know how to use online court systems, their issues couldn't be resolved.

Administrators lead Maintenance Tribunals under the 2007 Maintenance Act. These administrative officials oversee the government's policymaking process from inception to execution and monitoring, working with numerous departments like financial management and disaster aid. Administrative officers now have much responsibility. Administrative officers may not be qualified to address maintenance issues concerning older adults, so a judicial officer must be appointed. Senior priority matters will be addressed quickly and efficiently. The Senior Citizens Act 2007 does not explicitly allow early case disposition. This means that maintenance issues can be remedied promptly with proper processes. Administrative personnel must prioritize elderly encounters. The legal system should respond to ageing needs in a systematic and timely manner. Older adults benefit from legal aid and public education because they speed up case resolution and boost the justice system's confidence. (*Primelegal, 2022*)

CONCLUSION

The elderly are a large demographic group and need care, respect, and help in their final years. Many countries have passed legislation to protect and care for elderly people,

recognising their value and needs. Maintenance Tribunals under the MWPSC Act, 2007, increase institutions' and individuals' obligation to protect senior citizens' rights. It streamlines dispute resolution, ensures justice, and protects elderly persons' rights. The behaviour powerfully conveys society's expectations of elderly people. Celebrate older people's expertise, experience, and achievements to foster a culture that recognises their role in society. The 2011 Census found that 8.4% of the population was 60 or older. By 2036, it's expected to reach 14.9%. This shows how important the law is in protecting this marginalised group. This emphasises family responsibilities and effective grievance resolution. To protect the rights and well-being of old people worldwide, such laws must be enforced and improved as civilizations mature. The data shows that senior citizen legal matters in India must be resolved quickly. Prolonged challenges worsen senior emotional, physical, and financial suffering. Delays can damage public faith in the court system's handling of disadvantaged groups' complaints. Finance Commission programmes and suggestions have created special fast-track courts, although their reach is limited. Fewer than 800 FTSCs handle nearly 2 lakh cases nationwide. Infrastructure scalability is necessary to provide elders with time-bound justice. Beyond case backlog, systemic capabilities like sensitising courts, police, and administrators to older requirements might speed up remedies. Procedures for age-friendly judicial aid and hearings must also be prioritised. Video-conferencing and helplines should assist seniors move. India's public institutions must adapt to its growing ageing population. Senior-friendly legislative frameworks, duty-bearer capacity development, civil society collaborations, and community engagement are essential to upholding seniors' constitutional rights. Respecting the elderly must extend beyond socio-cultural norms to legal justice. An affirmative plan including global ageing frameworks will assist India balance development and protecting its elderly population.

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AGEING, ABUSE AND ADVOCACY- AN INTERDISCIPLINARY EXPLORATION OF DOMESTIC VIOLENCE AGAINST SENIOR CITIZENS IN INDIA

By Shikha Vasishta^{26*}

ABSTRACT

This research aims to investigate the violence against elderly people in Faridabad, India. The paper incorporates senior abuse within the domain of socio-political fabric. It will lead to efficient state policies and legal protections streamlined through state resources. Drawing from a survey of 50 seniors, findings reveal concerning prevalence rates: 26% people go through, physical torture. Another 42% face mental torture, and at least 18% among this group experience economic hardships. In 68% of the cases, it's always the family members who are the ones responsible for such abuse. This depicts that a huge part of cases is unreported due to poor subject awareness and fear of handling. This unveils the fundamental issues of the system. This gives us the guideline to create the best strategy to protect the dignity and basic rights of the older people who are living with their families.

Keywords: Elder Abuse, Domestic Violence, Senior Citizens, Legal Safeguards.

INTRODUCTION

One of the significant changes that India is observing is the growing population of senior citizens, which represents a demographic shift. The most significant challenge among these is the increased number of abuse cases among the aged minority of the society, lowered self-esteem and emotional

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distress can be difficult to overcome for the senior citizens. This concern opens a new dimension of problem that could affect our society, legal system, and the political environment at the same time. This research aims to comprehensively delve into the nature of elder abuse in Faridabad, and how this issue can be addressed through the combined use of contemporary ideas of the legal and political thought.

The elderly population within Indian society deserve a greater degree of concern and care from family members a truth often unnoticed. This research is key to understand the root cause of why older people are often mistreated and overlooked. It is also important to explore the ways to address this issue.

While prior research has extensively gone through the problem of elder abuse, it is still considered a better option to have a comprehensive understanding of the matter for a specific gap in the area. Environments such as these, operate following certain norms, and values, and they impact the health and wellbeing of an older population. Our study involving 50 elderly citizens, would help us to carve out the experiences. This would help us know about the abuses, and what barriers are hindering effective support. This study is important to provide actionable policies and frameworks for law makers on how to tackle elder abuse at its earliest Through this research we are aiming to protect the rights of the senior citizens in the households of India. We are giving them the respect and safety they deserve.

RESEARCH METHODOLOGY

With both qualitative and quantitative research methodologies, methods to explore elder abuse and violence at homes are proposed. To comprehend the theoretical notions and practical utility of the study, we have used mixed methods, focusing on quantitative and qualitative data collection.

After collecting data, selected people are interviewed in detail to provide depth and context to our data collected, that are not possible from raw statistics. Another major aspect was conducting a structured survey to get the statistics on the senior citizen's abuse, and to operate a timely plan accordingly. The survey consisted of questions that were directly targeting several forms of harassment, the individuals who are responsible for it, and people's well-being after it. These approaches helped in examining elder abuses in-depth and gave us a solid ground for multi-angle data analysis to understand this issue more clearly.

LITERATURE REVIEW

The work done previously on the Indian case provides great insights on how the issue is deeply rooted and how multifaceted approach is required to tackle this issue. It is observed that elderlies face domestic abuse, this showed through both political and legal lenses. The various themes that will be discussed in this research include the cultural, legal, familial factors that will be influencing the elder abuse and the challenges that they are facing because of them. Researchers and scholars believe that additional studies on elder abuse at a regional level are essential since these local behaviours must be addressed and studies at a local level will provide a clearer understanding. These studies are fundamental in understanding the socio-legal issues of the district and, it contributes wider discussion on issues that elders are facing in Faridabad.

SOCIO-POLITICAL DYNAMICS OF ELDERLY ABUSE

Occurring Elder abuse in India is inevitable with a senior person within domestic surroundings and occurs through various channels through socio-political involvement. The Faridabad district, like many regions across the country, has its own cultural and societal norms, and this adds unique nature to the type of elderly abuse that takes place. The way society thinks about the aging process and what familial duties one has play a crucial role in this domain. In

most cultures, there are certain expressed and hidden expectations that the elders, whether parents or grandparents, need to be revered, respected, and cared for. However, sometimes it has been seen that putting too much respect can lead to the mistreatment of people who are older in the family structure especially from children's side. As more families are living away from their parents and due to increased urbanization. This leads to an issue where elders might not get the attention they require. (*Govil & Gupta, 2016*)

Another influencing factor in this regard is the significant role of societal customs, and cultural values and beliefs that are well-instilled in anyone's mind. This paramount structure allocates undue authority to some members of the family, as parents; allowing some members to execute the dominance and causing harm without worrying about the consequences. Apart from that gender inequality escalates this issue even more, in which elderly women are not treated the same way and have to face abuse. Economic factors play an especially significant role in differentiating the abuse of attitudes against the elders in the society. When elderly people are financially dependent on their family members or caregivers, there can be more chances that they are exploited. When the elders are dependent financially, they are less likely to report any concerning behaviour due to fear of lack of resources from the family.

Owing to how speaking on a problematic issue is looked down upon, a majority of the cases go unreported. Elders are often hesitant to speak against abuse or seek help as they want to avoid tainting the family honour code. Because of the societal pressure, people who face elder abuse tend not to share their experiences, and this leads to a continuous victimization cycle. Through the proper support system and intervening in the traditional beliefs, we can provide a safer environment for

victims, while respecting the cultural boundaries. These programs provide awareness on how to respect your community, guide them on how to identify abuse (both physical and emotional) and give the necessary support to the victims.

LEGAL SAFEGUARDS AND THEIR EFFICACY

The legal safeguards for the elderly are deep-rooted in actions aimed at protecting their rights and making sure they have a decent quality of life. The Indian Constitution, comes with a set of principles to protect the rights of the elderly, given the fact they might be more vulnerable. The articles 41 and 46 of the Indian constitution emphasizes to improve the social and economic conditions of senior citizens. The legal entity to deal with elderly people neglect is defined as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In addition, the rules and regulations are made to secure parents' rights and there is a complete path applicable for dispute resolution. The implementation and effectiveness of these laws are limited due to complex legal procedures and inadequate ways for checking if the laws are implemented in their true spirits. Protection of Women from Domestic Violence Act, this act can be used for old women who are facing violence within the household, even though this is not exclusively established for this purpose.

In case of any unfair treatment or financial issue, this legal system would provide rightful orders thus ensuring legality. On the other hand, its effectiveness is not well established, and implications still need to be worked out. The Disabled Persons Rights Act Of 2016, is a relevant legislation. It guarantees rights of all citizens including a special quota for the rights of old aged people with equal treatment under the law. This act promotes legal framework through which we can provide senior citizens their rights and make this place a better place. However, regardless of these legal measurements, there are

some challenges which can compromise these measures. Elderly citizens are unable to get their rights legally because there is a lack of awareness of the existing legal services. The delayed process and the absence of specialized courts make it almost impossible to impose justice for elder abuse cases. (Dhamija & Roychowdhury, 2018)

The responsibility on seniors, has due to them conforming to society and culture, will often lead them to not taking any legal actions. Currently, the laws don't have stern punishment methods for anyone involved, which they should have. It should be recognized that senior citizens face unique challenging situations, so they need a specific type of legislation.

There is a need for significant changes in our current legal system to safeguard our rights efficiently. should include several ways through which seniors can be informed about all the legal procedures regarding their care. The penalties for those responsible for any form of abuse should be extremely stringent so the abuse rate gets minimized. In order to ensure the safety and the well-being of the elderly person in particular settings so certain institutions are working together in order to promote this environment.

EMPIRICAL INSIGHTS: CASE STUDIES

The cases will be scrutinized and juxtaposed to explore the lives of the advanced age adults. The stories recounted in these cases will add a human aspect to the research, giving valuable insights into the contexts, impacts of this abuse.

Case Study 1: Physical Abuse and Familial Dynamics

Instead of Mr. Sharma, an 80-year-old widower was frequently abused by his son, who did this to take hold of the property. Even though there was clear damage done to Mr. Sharma, he decided to not report the abuse to anyone since

he was afraid that he will be ostracised. This shows how much potent influence the family dynamics drama could affect the elderly family members.

Case Study 2: Financial Exploitation and Isolation

An elderly woman in her 70s was manipulated by her daughter-in-law, who cut off her access to her pension and other savings. In addition to this, Mrs. Kapoor's daughter-in-law also made sure that she will not interact with anyone socially and will stay in the house all the time which exacerbated her condition. Through this case, it has been shown that how the financial matters and social disconnectedness can be intertwined in cases of elder neglect.

Case Study 3: Psychological Abuse and Cultural Norms

The elderly couple faces continuous mental abuse from their own children. Everyone is poorly treating the couple because they are considered a burden on their children. This means that many older people are being emotionally, and mentally abused because of cultural norms. This abuse undermines their sanctity.

Case Study 4: Caregiver Neglect and Health Impact

When it comes to the care that she had needed, her caregiver has neglect what was required from her end. This led to adversely impacting the health which manifested into various health issues. The study raises awareness of how important it is to provide better care, and attention to older adults in their aging stage. This shows the direct reflection, and worsening effect of the absence of such factors.

Through numerous case studies, it has been analyzed that in Faridabad diverse types of abuses ranging from psychological, physical to financial are reported frequently. All these power dynamic situations can enable abuse and should be handled properly to maintain sanity.

There must be certain predefined frameworks, mechanisms, and workflows that address each case and its needs uniquely. extra social awareness campaigns, and extra-legal activities must be undergone to ensure the protection and well-being of the senior citizens.

Following the thorough analysis of case studies, it is clear that a broader approach is needed to understand elder abuse- this called for reforms at the community and societal level. The initial insights derived in this particular study will provide a pathway to form educated recommendations in order to ensure safe and cognitive environments for older people within the same societal framework.

POLITICAL IMPLICATIONS: STATE RESPONSE AND GOVERNANCE

There is a political importance that is attached to elder abuse within the Faridabad district, in order to protect the rights of the senior citizen we need to have a strong political strategy in place. The situation involves a robust community participation and an efficient channel for resource distribution.

India has a well-structured legal basis with various acts and provisions through which they make sure to provide a protected and safe environment for senior citizens. According to the Maintenance and welfare of parents and senior citizen Act 2007; is the responsibility of adult children to provide maintenance, and also to establish specific courts for such issues regarding the dispute. (*Martin et al., 1999*)

The protection of Women from Domestic Violence Act also can be used by the elder mother in laws or fathers in law, it gives any person the legal right to intervene in a family affair. There need to be proper constitutional rights made for elderly for the benefits such as social, economic, and medical, which is the state's job to provide.

But it has been often seen that while implementing these laws certain kinds of problems are faced. Due to poor cooperation among different & law enforcement agencies and less overall training cases against high officials isn't tackled which lead to inefficient overall response. In recent studies in Faridabad, researchers have reported there are numerous cases of elder abuse among senior people. These include emotional, physical, and financial abuse.

In some cases, such as when the husband dies, the property happens to be a significant reason for disputes among family members and one might see selfish behaviour. Mrs. Kapoor's daughter-in-law has manipulated her relationships and has tried to cut her off from her bank accounts. This highlights that how elder abuse can take various forms and is an issue in a wide array of contexts within the home structure. It is important to improve the capabilities of all institutions whether it's governmental or non-governmental. To safeguard all elderly citizens against abuse and mistreat, there should be some vigilant initiatives to train officials, healthcare, and service providers to handle such cases effectively. The leadership should challenge the norms and run public awareness campaigns and advocating a healthy social environment. We can say resource allocation is direct representation of political inclination of a party. Not only this, but federal senior citizens' homes and help centres also require financial needs. (*Vardhan, 2017*)

Through inter-departmental coordination and collaboration, a system could be established to cater to various issues efficiently and effectively. It is important for all relevant agencies to work together in an efficient way to provide the necessary support to help victims. In order to provide them with maximum facilities, it is the job of the state leaders to ensure that there is an environment that is favourable for these people. The elders are mistreated by some people, we

need to be the voice and stand against it. And try to give whatever support we can reach out.

FINDINGS OF THE STUDY

Through a study conducted on 50 senior citizens in the Faridabad district of Haryana, we can conclude that elder abuse is a common phenomenon and takes a toll on their health.

Prevalence of Abuse: The data has shown that the rates of elder abuse are very alarming. 26% stated that the physical abuse had been occurring frequently, indicating a deeply rooted problem. Moreover, verbally 42% of people disclosed that they were not treated properly in a psychological term, showing that such suppression is quite prevailing. In addition to these, the survey showed that 18% of people have had their financial information misused through different means, including theft, pressure strategies, or deceit, indicating that they have been exposed to this issue through various means.

Perpetrators: In 68% of the reported cases, family members are the abusers for the elder person, and this significantly impacts elder abuse. The idea of intra-familial abuse, particularly by the people designated as primary caregivers, is shocking. While 22% of the cases highlighted about hired caregivers leads to the point, that external caregiving arrangements are worthy of discussing.

Underreporting and Barriers: The statistical reports and the study findings represented the adverse situation, depicting that the victims show to mount of fear and embarrassment which limits the overall reporting rate to 48% only. According to my research, there are two major barriers that restrict the person from seeking external support. Barriers include not having enough knowledge about the support services and being suspicious about the beneficial impact of the legal actions.

Impact on Well-being: This study will show us the exact side of the picture in which someone will abuse the elderly. What are the main effects of it on the mind and health of the elderly, and the attempts of the elderly to converse this justified. It is observed approximately 64% decrease in their physical health after having the abuse. This led to them to the stress-related health issues. This has caused substantial amounts of emotional turmoil for 76% of the people leading to anxiety and depression, all of which influences their quality of life profoundly.

Legal Response: Surprisingly, statistics revealed, only 32% of our senior citizen are well-aware of their legal rights. These numbers display the level of satisfaction with the legal provisions offered to handle domestic abuse survivors. Hence the need for reform and improvement in this area. To address these issues we need to have different interventions, to sensitize the masses we need awareness campaigns, support from the gov't, and we need certain legal measures.

DISCUSSION

The results of the study create an alarming image of how much elder abuse happens in Faridabad district, and through it we can see the need for actions that deal with this issue. Elderly people are exposed to all types of abuse in family environments. The response from some members to their relative beings in a harsh way is quite alarming. This kind of relationship resonates power. There is a nice variation among these families, of taking care as per the elderly people in appealing ways.

Neglecting important tips is one of the biggest causes that lead to high mistreatment levels, for people are too scared or humble to take any actions. Higher-class people should change their thinking and norms to be open-minded so that senior citizens can also speak up freely about the problems

within them instead of staying silent. One visible effect of appalling behaviour on senior citizens, is that it has an impact on their overall well-being. Decrease in physical health among students due to too much workload, and increased stress levels exhibit the urgency of providing support systems for them. (*Yan et al., 2014*)

It also highlights the inefficiencies of laws towards managing elder abuse cases. The current legal system seems inefficient because victims don't receive proper justice, suggesting this effectivity.

Handling elder abuse needs a versatile approach. Social programs are critical so as to growth cognizance among senior residents and provide them with the absolute best monetary assist, so reforms have to be carried out with extended social offerings. It could be very essential to develop such surroundings of accept as true with in our humans, as it's miles the best manner for us to file and exterminate this elder abuse difficulty. It is important for interventions to address those ideals that assist abuse. (*Sebastian & Sekher, 2018*)

It's essential to create an environment where seniors can communicate up without dealing with any stigma or criticism and make them conscious sufficient about their rights so they may increase their voice on time. Therefore, the realization concludes that any machine wishes to be vast enough and targeted on bridging gaps among rules as properly so that it is able to help bring a new spark inside nearby setups.

RECOMMENDATIONS

Legal Reforms and Strengthening of Legal Frameworks: Changing the current rules are much needed for guarding older people, as making strict punishments for individuals who abuse or mistreat elders. Create special courts and

judges that only handle senior abuse incidents to accelerate the legal process and provide victims with personalized support. Improve seniors' legal knowledge to make them aware of their rights by initiating courses on advanced law studies. (*Mahanta & Saikia, 2019*)

Awareness Campaigns and Educational Initiatives: We should start some sort of awareness campaign through which we can approach our senior citizens and the people who take care of them, so that they could be aware about how to deal with any kind of violence against elders. Create interactive programs at schools and community centres teaching children how to respect elderly, contending against abuse.

Support Services and Helplines: Provide useful helplines and help centres for the abused old citizens that can offer legal support, emergency services, etc. Educate the healthcare, law enforcement and social work staff to detect domestic violence cases effectively.

Community Engagement and Empowerment: Advertise local forums that help in reporting the abuse cases against seniors, to provide them an encouraged environment. Engage most of our powerful leaders to work on elder's rights and challenge abusive kind of habits in societies instead.

Increase the pension amount: The government must investigate and alter the funds provided for retirement to older individuals. This increase should go up with the rising cost of living and give more money help to cover basic needs.

Expand coverage to informal workers: The government should make pension plans bigger to include part-time workers like daily wage earners, self-employed people, and those in the chaotic jobs. This can be done by creating a special retirement plan or by supplementing existing plans.

Simplify the registration process: The government should make it easier to register so that the elderly, who do not have government jobs and work informally, can also join just about getting a pension. This could include simplifying documentation, adding special places, and conducting public consultations to raise awareness.

Strengthen pension disbursement mechanisms: The government should ensure that senior citizens receive their pension promptly and efficiently. This can be done through tech like direct transfer of funds (DBT).) or the use of mobile banking to get the money to the people who are supposed to receive it.

Periodic review and revision: The government should sometimes check pension plans and their reach to make sure, they stay current and work well. This should be about making sure the pension amount is enough, adding in new groups of older folks and listening to ideas from those who get help along with others.

CONCLUSION

The study presents a group of serious discoveries about the abuse against senior citizens in Faridabad, showing us how crucial it is to take various measures for their well-being. Elderly abuse that can be appeared as physical, financial, and psychological has such a strong root in the families. Family dynamics are a main factor for the elder abuse because commonly members of the family or caregivers can be hostile, which changes the old concept about care and support from our families right away.

The results also figured out something really alarming that students are used to fear, shame and the dependency on their abusers about reporting abuse in general. This culture of silence is the reflection of the situation in schools. Plus, students are afraid to seek help and they don't want because of some cultural norms or so-called societal behaviours.

Elderly abuse's adverse effects on aged people's mental and physical health result in high anxiety, depression levels, and unsteady health. Another significant factor is the requirement for preventive measures so victims can overcome this. Also, the results concluded that there are some significant issues with current legal supports, and these do not provide enough sense of security to our elder generations. This is the time, we create new legal laws where everyone should think twice before abusing others.

We must deal with elder abuse by using some certain and important ways including reforms in laws, through social works etc. Collaboration among governments, organizations, and all citizens are particularly important to bring about positive change.

The research summarizes that there is a drastic need for an attitudinal change in society. It's the cultural norms and attitudes through which we can provide seniors alarming free environment. If we ensure we're implementing the senior assistance methods, then through this society can provide a safer place for seniors to live, age and be respected. It is inevitably the most important thing to make sure that our elders are living with security and peace.

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**UNVEILING THE LEGAL TRIUMPH:
EMPOWERING SENIOR CITIZENS IN INDIA
- A JOURNEY OF TRIBUNALS, COURTS,
AND LAWYERS IN SAFEGUARDING
RIGHTS AND ENHANCING WELL-BEING**

By Apoorva Bhardvaj^{27} and Ankit Yadav^{28*}*

ABSTRACT

In India, the population of senior citizens is rapidly increasing, demanding a more profound focus on protecting and empowering senior citizens. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 established a legal framework for safeguarding their rights and dignity as guaranteed and recognized under the Constitution.

The tribunals serve as the first line of defence for senior citizen's rights, handling cases ranging from maintenance disputes to property matters and elder abuse. They play a pivotal role in ensuring that the elderly receive the financial and emotional support they deserve. The judiciary, through landmark judgments, has consistently addressed complex issues such as property disputes, inheritance rights, the overall well-being and upheld the rights of senior citizens. These cases range from compelling adult children to provide maintenance to their ageing parents to reinforcing the right to a dignified life for senior citizens. A dedicated cadre of lawyers has emerged, driven by a passion for justice and empathy and play a crucial role in advocating the rights of senior citizens, whether securing their property rights or seeking justice in cases of elder abuse.

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While significant progress has been made, challenges persist. The delays in legal proceedings, a lack of awareness about legal provisions, and the stigma associated with reporting elder abuse are hurdles that must be overcome. Also, the evolving societal and family dynamics require a continuous adaptation of legal provisions. This legal triumph in empowering senior citizens in India is a testament to the commitment of the legal system and dedicated lawyers. Moving forward, greater awareness, more efficient legal processes, and a deeper understanding of the unique challenges faced by senior citizens are essential to continue safeguarding their rights and enhancing their well-being. The journey of tribunals, courts, and lawyers in this endeavour is an inspiring tale of legal triumph, ensuring that the elderly can find justice and support in their golden years.

Keywords: Senior Citizens, Courts, Tribunals, Lawyers, Rights, etc.

INTRODUCTION:

Our nation has been a land of culture, values and ethics. It is a land of legendary “Shravan Kumar” who sacrificed his life for his aged blind parents. The traditional norms and values of the Indian society emphasize on the duty of taking care of elders. In our traditional society, duties of children towards one’s parent were considered as a debt owed to them.

- Hon’ble High Court of Judicature at Allahabad.

Recently, Allahabad High Court passed a judgement in which it emphasized the duty of children towards parents. This is not the judiciary's triumph; rather, it is unfortunate that in a nation founded on moral principles, an authority is reminding to respect parents. Older persons are the most vulnerable group of people. Being old is a natural process, which brings some kind of disabilities like semi-blindness, high blood pressure, lack of hearing capacity etc. (Saxena P., 2020)

India, like many nations worldwide, is witnessing a significant demographic shift with an increasingly ageing population. The well-being and rights of senior citizens, defined as individuals aged 60 and above, have emerged as a pressing concern in this context. This demographic transition, while indicative of progress, also raises unique challenges, including socio-economic vulnerabilities, access to healthcare, and the protection of fundamental rights.

Discrimination, neglect, and abuse of senior citizens are issues that require vigilant attention and comprehensive legal frameworks to safeguard their interests. This paper delves into the evolving landscape of senior citizen empowerment in India, examining the pivotal role played by tribunals, courts, and lawyers in ensuring their rights are protected and well-being enhanced.

UNDERSTANDING THE PLIGHT OF SENIOR CITIZENS IN INDIA:

DEMOGRAPHICS OF SENIOR CITIZENS:

India's demographic landscape is undergoing a profound transformation, marked by a rapidly growing ageing population. According to official data, the number of senior citizens is increasing significantly. This demographic shift is attributed to several factors, including improved healthcare leading to increased life expectancy, declining fertility rates, and changing family structures. By 2050, it is projected that senior citizens will constitute a substantial portion of the country's population. This demographic trend underscores the urgency of addressing the unique needs and challenges faced by senior citizens in India, particularly in terms of social inclusion, economic security, and healthcare.

SOCIO-ECONOMIC CHALLENGES:

Senior citizens in India often grapple with socio-economic challenges that impact their overall quality of life. Many face

financial insecurity due to inadequate retirement savings and a lack of pension benefits, making them susceptible to poverty and dependency. Furthermore, issues like age-based discrimination and social isolation can exacerbate their vulnerability. Access to affordable housing, social support, and suitable employment opportunities also remain a concern. These socio-economic challenges call for comprehensive policy measures and legal protections to ensure that senior citizens can lead dignified and economically secure lives.

HEALTHCARE AND MENTAL HEALTH CONCERNS:

Healthcare and mental health are significant concerns for senior citizens in India. While life expectancy has increased, the healthcare system often struggles to meet the unique needs of this demographic. Many senior citizens face chronic health conditions and age-related diseases, necessitating frequent medical attention and specialized care. Besides this, mental health issues, such as depression and loneliness, are increasingly prevalent among the elderly. The stigma associated with mental health problems further complicates their access to appropriate support. Addressing these healthcare and mental health concerns is crucial to enhancing the overall well-being of senior citizens and ensuring their right to a healthy and fulfilling life.

Understanding the multifaceted challenges faced by senior citizens is the first step towards implementing effective legal and policy measures to empower and protect this vulnerable demographic in India. This awareness is essential to building a society where senior citizens can age with dignity, security, and access to healthcare services that cater to their unique needs.

LEGAL FRAMEWORK:

INTERNATIONAL CONVENTIONS:

Eleanor Roosevelt, the former First Lady of the United States and a member of the drafting committee of the ***Universal Declaration of Human Rights (UDHR), 1948*** once remarked that the declaration was crafted without recognizing the potential for age-based discrimination (Eshet, D., 2010). The UDHR does not explicitly prohibit age-based discrimination, but its **Article 1**, asserting the equal dignity and rights of all human beings, has been interpreted by human rights activists and lawmakers to imply that age-based discrimination should not exist. This understanding paved the way for addressing age-related discrimination.

In 1982, the ***International Plan of Action on Ageing*** was adopted during the World Assembly on Ageing in Vienna, focusing on critical issues such as elderly person's health, nutrition, housing, social welfare, family, and financial security.

India has ratified international conventions that promote and protect the rights of senior citizens. ***The United Nations Principles for Older Persons, 1991***, emphasizes the importance of independence, participation, care, self-fulfilment, and dignity for senior citizens. India's commitment to these principles is reflected in its national policies and legal framework.

India is also a signatory to the ***Madrid International Plan of Action on Ageing, 2002*** which provides a comprehensive blueprint for enhancing the lives of senior citizens globally. By aligning its policies with these international conventions, India underscores its dedication to senior citizen empowerment and well-being on the global stage (Sidorenko, A. (2004).

LEGAL SCENARIO IN INDIA

The Sanskrit verses of “*Matru Devo Bhav*” and “*Pitru Devo Bhav*” from *Taittiriya Upanishad* derive their roots from the ancient Indian Vedic era. (Bhardwaj P., 2020) Traditional and customary values of the Indian society emphasized providing care to elderly people but with the gradual withering away of the joint family system, a large number of elderly started to suffer due to lack of care by their own family.

THE CONSTITUTIONAL SAFEGUARDS:

The Senior Citizen empowerment in India is bolstered by constitutional safeguards that recognize their rights and ensure their protection. The Constitution of India, 1950 under **Article 21** guarantees senior citizens the fundamental right to live with dignity, access healthcare, and seek legal redress. It also protects them from abuse, neglect, and violence, reinforcing the government's responsibility to ensure their well-being and safeguard their rights.

The Directive Principles of State Policy mandates the state to promote the welfare of senior citizens. **Article 41** specifically calls for public assistance and support for the aged, providing a strong constitutional foundation for senior citizen welfare. This provision is pivotal in guiding policymakers to formulate laws and policies that address the needs and concerns of the elderly.

POLICIES:

The National Policy for Older Persons, 1999 outlines the government's commitment to promoting senior citizen empowerment by addressing their socio-economic and health-related needs. State governments have also implemented various schemes and policies to support senior citizens, including pension schemes and healthcare programs.

The National Policy for Senior Citizens in India, 2011 aims to address the unique and evolving needs of the elderly population in the country. This policy was formulated to ensure the well-being, security, and dignity of senior citizens and to enable them to lead a fulfilling and productive life during their golden years.

LEGISLATIONS:

It is a sad reality that ageing has become a major social challenge. In response to the social need to address this issue and provide more care and attention to senior citizens, the Indian Parliament in the year 1973 for the first time introduced the provision for maintenance under **Section 125(1)(d)** of the **Code of Criminal Procedure, 1973**. This provision imposes an obligation on a person with sufficient means to provide financial support to his parents if they are unable to maintain themselves. It empowers a Magistrate to issue an order directing an individual to provide a monthly allowance to his parents if they are unable to maintain themselves, up to a maximum amount determined by the Magistrate.

The ***Maintenance and Welfare of Parents and Senior Citizen Act, 2007***, was passed by the Government of India, to enhance support and protection for senior citizens by providing familial care to them. The Act provides mandates to the States for the formation of tribunals at every sub-division of a district to look into the grievances of older persons, particularly those who don't receive care in the form of proper food, shelter, clothing or medical treatment from their kin. The legislation enables a neglected parent or older persons to approach the tribunal if they are unable to maintain themselves from their earnings and property.

Apart from that, ***The Maintenance & Welfare of Parents & Senior Citizens (Amendment) Bill, 2019*** proposes to introduce several changes as it aims to widen the scope of 'children' by including step-children, adoptive children, children-in-law, and legal guardians. It also extends the

definition of ‘*parents*’ to encompass parents-in-law and grandparents, while eliminating the previous maintenance charge cap of ₹10,000, with a focus on ensuring healthcare, safety, and security for elderly parents to maintain their dignity. It also provides for care homes and other welfare measures for senior citizens. However, the bill has been pending before the Lok Sabha for more than four years, delaying the potential positive impact of these crucial reforms on the lives of senior citizens in need.

LEGAL CHALLENGES:

In India, senior citizens encounter several legal challenges, including some of these specific challenges:

- i. **Extended Legal Proceedings:** The prolonged nature of legal processes poses a significant risk to the well-being of senior citizens.
- ii. **Mobility Limitations:** Many senior citizens experience challenges in accessing court premises due to mobility constraints.
- iii. **Limited Literacy and Awareness:** There is a prevalent lack of literacy and awareness among older persons regarding legal provisions and support schemes.
- iv. **Inadequate Transportation Facilities:** The absence of free and easily accessible transportation options for older individuals exacerbates difficulties in reaching lawyers or attending court sessions.
- v. **High Volume of Pending Cases:** The substantial backlog of pending cases in various courts adds complexity to the legal landscape, affecting senior citizens awaiting resolution.

In the year 2019, Hon’ble Law Minister Ravi Shankar Prasad in a written reply said that 43.55 lakh (4.36 million) cases are pending in the 25 High Courts and out of these, 18.75 lakh (1.86 million) related to civil matters and 12.15 lakh (1.22 million) are criminal cases.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

In India, there are 3.2 Crore cases filed in various courts of India and 6.24% of cases (approx. 20 lakh cases) are filed by older persons. Among civil cases, the percentage of cases of older persons is 16.58% while among criminal cases 2.21% of cases are related to older persons, where old people are involved as litigants or accused.

	Civil Cases	Criminal Cases	Total
Filed Cases by the Senior Citizens	1486911	508851	1995762
Total Cases filed in the Courts	8968171	23023213	31991384

Pending cases in various Courts of India (Source: National Judicial Data, 2020)

Thousands of senior citizens find themselves compelled to navigate prolonged court proceedings, enduring an indefinite period of legal challenges. This protracted ordeal is primarily attributable to the inertia within our legal processes and interference from vested interest groups. Unfortunately, senior citizens emerge as the most severely impacted victims of our lethargic and insensitive system, subjected to the arduous task of attending Court cases that extend indefinitely, exacerbating their plight.

The report on the elderly by the Centre for Human Rights at the National University of Advanced Legal Studies brings attention to the distinct challenges confronted by senior citizens and proposes recommendations to address these specific issues. The project report emphasizes that a significant obstacle faced by the ageing population is the lack of adequate legal awareness. Consequently, there is a pressing need for government intervention to bring about necessary amendments to the current legal framework and implement policy changes that facilitate free legal aid and foster legal awareness among the elderly. This intervention is

essential for the establishment of a fair and inclusive society in alignment with Sustainable Development Goal (SDG) 16.

**ROLE OF TRIBUNALS AS PROTECTOR OF THE RIGHTS OF
SENIOR CITIZENS:**

The Tribunals play a pivotal role in addressing issues pertaining to the rights of senior citizens within their respective territorial jurisdictions. These tribunals are constituted as per the provisions of the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, to enforce the legal mandates outlined in the Act. The Act requires that applications for maintenance allowances be resolved within 90 days from the date of application, rather than from the date of notice served to the applicant, as proposed in the *Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019*.

These tribunals specialize in adjudicating disputes, claims, and grievances concerning the financial support and general welfare of senior citizens. By providing local access to justice for senior citizens, these tribunals significantly reduce the need for elderly individuals to undertake long and burdensome journeys in pursuit of legal remedies.

Section 17 of the Act stipulates that legal practitioners are not allowed to represent any party involved in proceedings before a Tribunal or Appellate Tribunal. This provision is intended to facilitate an accessible, cost-effective, and expedient delivery of justice to senior citizens.

Section 23 of the Act provides that if a senior citizen has transferred their property, whether movable or immovable, by way of gift or otherwise, subject to the condition that if the transferee refuses or fails to provide the promised maintenance or support, such a transfer of property shall be deemed to have been made under the influence of fraud, coercion, or undue influence. In such cases, the Tribunal has the authority to declare the transfer as void at the option of

the senior citizen, providing an additional layer of protection for their rights and property.

The High Court of Delhi in *Sunny Paul & Anr. vs. State NCT of Delhi & Ors. (2016)*, held that under Section 23 of the Act, 2007, the Maintenance Tribunal can issue an eviction order to ensure that senior citizens live peacefully in their houses without being forced to accommodate a son who physically assaults and mentally harasses them or threatens to dispossess them.

Apart from that, there are few compelling case studies that shed light on the intricate challenges faced by elderly individuals within the legal framework and the critical role of tribunals in safeguarding their rights:

- (a). **Case No. 1 (Settled):** Harbhajan Kaur, an 85 year old widow in Amritsar, Punjab, faced financial and familial challenges. Living with her financially constrained 56 year old son, she encountered health issues and a family dispute where her elder son allegedly took over her property, forcing her eviction. With a monthly widow pension irregularly received and medical expenses exceeding ₹200, she filed a petition for maintenance allowance. The tribunal, after six months, ordered both sons to pay a monthly allowance of ₹1000, with Harbhajan Kaur entitled to ₹2000. Despite the verdict, the elder son complies only upon complaint. Harbhajan Kaur, though legally aided, contends with familial discord, illustrating the intricate challenges faced by senior citizens seeking legal redressal.
- (b). **Case No. 2 (Settled):** Saraswati, an 88 year old lady residing in the private old age home 'Sai Sankara Shanti' Kendra in Kalady, Ernakulam, finds herself entangled in a legal predicament initiated by Mr. Srinivasan, the proprietor of the old age home. Despite reaching the age of 88, Saraswati, with a limited education up to class 3 and no employment history, is ineligible for an old age pension due to a lack of address proof. With an unresponsive son, aged 62, Mr. Srinivasan, on

Saraswati's behalf, filed a petition with the RDO Moovattupuzha. The tribunal swiftly issued a verdict within three months, directing the son to contribute Rs 4000 per month towards Saraswati's stay. However, even ten months after the decision, not a single installment has been remitted. A subsequent complaint to the Superintendent of Police has yet to yield any action, leaving Saraswati awaiting the financial support mandated by the tribunal's decision.

These cases serve as a poignant reminder of the critical need for not only robust legal interventions but also effective enforcement mechanisms to ensure the well-being of our senior citizens. It prompts a reflection on the existing gaps in the system and the imperative to address them to create a more just and supportive environment for the elderly in India.

ROLE OF COURTS - INDIAN JUDICIARY'S STAND FOR SENIOR CITIZENS:

In the year 1999, the Hon'ble Chief Justice of India through a letter advised to Chief Justices of all High Courts that priority should be given to cases of elder persons and that they should be disposed of as soon as possible. In one of the classic examples the Mumbai High Court has announced that *"it would give out of turn priority to hearing and disposal of petitions wherein litigants have crossed 65 years of age."* (Chandra, S. (2001))

With the broadening scope of **Article 21** of the Constitution, the judiciary has encompassed various aspects of the right to live with human dignity, including the right to access health and medical care, the right to a dignified life, and the government's responsibility to provide medical aid. These align with the principles outlined in **Article 25** of the Universal Declaration of Human Rights. Consequently, the state has enacted the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007*, aiming to provide relief to senior citizens who often face neglect from their children.

However, it is noteworthy that state interventions in this regard are somewhat limited and sporadic.

Article 41 has been continuously highlighted by the Courts of India, which talks about the right to a pension, the right to adequate means of livelihood and the educational and economic interests of weaker sections of the people.

The Indian judiciary, particularly the Supreme Court and the High Courts across the States, has played a vital role in safeguarding senior citizen rights through several landmark cases. Notable among them is the case of *Ashwani Kumar & Anr. vs. Union of India & Ors*, where the Supreme Court emphasized the need for the government to ensure timely disbursement of pensions and benefits to senior citizens, ensuring their economic security. In this case, the Court reaffirmed the constitutional obligation to protect and promote the welfare of senior citizens, recognizing their rights to maintenance, dignity, and social security.

Another significant case is *Kusum Ingots & Alloys Ltd. vs. Union of India & Ors.*, where the Supreme Court ruled that senior citizens could not be denied their rightful dues and benefits. The judgment underscored the importance of honouring contractual obligations, especially in matters concerning senior citizen welfare.

The High Courts across India have also contributed to the protection of senior citizen rights through their decisions. In the case of *Santosh Surendra Patil vs. Surendra Narasgopnda Patil*,² the respondents were the sons of the petitioners and were appealing against an order of vacation of the residential premises owned and constructed by the petitioners. The Court went on to discuss the need for the enactment of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007. The moral duty to take care of one's parents was crystallized as a legal responsibility under this Act. The State also takes upon itself the guardianship of Senior Citizens and old infirm parents. The eviction order was upheld by the court.

In the case of *S. Sheeja vs. Maintenance Appellate Tribunal*, the Kerala High Court emphasized that under the provisions of Section 2(g) and Section 4(4) of the Maintenance & Welfare of Parents & Senior Citizen's Act, 2007, any relative who is either currently in possession of or is set to inherit the property of a childless senior citizen is legally obliged to provide for the maintenance and support of the senior citizen.

In a recent case of *Aakash Goel vs. Department of Social Welfare Delhi Government*, the Delhi High Court issued a directive to the Delhi Government to conduct a comprehensive evaluation of the current limit on the number of beneficiaries specified in the Old Age Assistance Rules, 2009. This review should take into consideration the contemporary socio-economic conditions and the evolving requirements of the elderly population. Also, the Court instructed the government to reassess the eligibility criteria, particularly the requirement of an annual family income not exceeding ₹1 lakh per annum, which serves as one of the conditions for individuals to qualify for financial assistance under these Rules.

In a recent case, *Siju K Bhanu vs. The District Collector & Maintenance Appellate Tribunal*, the Kerala High Court came to the rescue of an ailing nonagenarian senior citizen who was suffering from dementia and was kept away from his wife by their son. The Court observed that the wife of a senior citizen has an absolute and inviolable right to have the custody and company of her husband during the winter years of their lives.

The emerging trends in the judicial landscape concerning senior citizen rights involve an increasing recognition of the unique challenges faced by the elderly and the need for comprehensive legal protection. The judiciary is actively addressing issues related to elder abuse, neglect, property disputes, and access to healthcare. There is a growing focus on alternatives to litigation, such as mediation and conciliation, to resolve disputes involving senior citizens

more amicably and quickly. The judiciary encourages the appointment of legal guardians or committees to safeguard the interests of senior citizens who may be vulnerable or incapable of representing themselves effectively. Also, there is more emphasis on the importance of coordination between the judiciary and administrative bodies, such as the National Council for Senior Citizens, to ensure the effective implementation of laws and policies aimed at protecting senior citizen rights.

**LAWYER'S CONTRIBUTION IN SAFEGUARDING RIGHTS AND
WELL-BEING OF SENIOR CITIZENS:**

An elder rights movement would serve to augment prevailing advocacy strategies by addressing negative rights, and liberties, and safeguarding the rights of older adults in their interactions with service providers while combatting age discrimination. Drawing instructive parallels with antecedent civil rights movements, the incorporation of a robust legal framework, notably through impact litigation, assumes paramount importance in the establishment of legal precedents and the advancement of systemic reforms. Lawyers, owing to their distinctive skill set and societal standing, occupy a pivotal role in fostering the requisite conditions for the effective establishment of an elder rights movement.

An examination of the historical evolution of civil rights movements, as delineated by Michael McCann, delineates two seminal roles for lawyers in nurturing social movements. (*McCann, M. (2004)*) Primarily, lawyers can function as catalysts in fomenting rights consciousness among group members by adeptly identifying grievances and framing them within the purview of legal rights. This process not only engenders a collective identity and common goals but also imparts legitimacy to the cause. Secondly, lawyers contribute substantively to the genesis of social movements through the adept utilization of conventional legal advocacy tools, exemplified by impactful litigation. Through elevating

the associated costs of prevailing power structures, encompassing ramifications such as adverse media scrutiny, litigation renders these structures more susceptible to vulnerability. This heightened vulnerability, in turn, mitigates resistance to transformative change, thereby facilitating the capacity of movements to exert pressure upon political or institutional entities for the adoption of progressive practices.

Lawyers play a pivotal role in safeguarding the rights and well-being of senior citizens in India. Lawyers provide invaluable legal aid and assistance to senior citizens, ensuring they have access to justice and are informed about their rights. They help seniors navigate the legal intricacies related to property disputes, maintenance claims, and healthcare issues. Lawyers often offer their services *pro bono* or at reduced rates to cater to the financial constraints of many senior citizens.

Lawyers actively engage in advocacy and litigation to champion the rights of senior citizens. They represent senior citizens in Court, ensuring their grievances are heard and justice is served. Lawyers also advocate for policy changes and legal reform to address the unique challenges faced by senior citizens, thereby contributing to the improvement of the legal framework for their protection. We may find many examples wherein individuals like Mathew Cherian served as an *amicus curiae* to the Supreme Court in matters relating to senior citizens' rights, for pensions, homes and maintenance which has helped bring senior citizens and their rights to the forefront. (Cherian, M. (2020)

Apart from that, the Legal Aid Clinics are being set up in the States to create awareness among senior citizens. Also, we may find examples wherein Non-Governmental Organizations like **The HelpAge India** and **Agewell Research & Advocacy Centre** collaborate with lawyers to offer free legal aid to senior citizens across India. Lawyers associated with these clinics help seniors with various legal

matters, including property disputes, financial abuse, and pension-related issues.

Also, under the Para-legal Volunteer Scheme, a group of volunteers from among the rural people is built to act as intermediates between the common people and legal services institutions at Central, State, District and block levels.

CONCLUSION:

In conclusion, Tia Walker's profound words, *"To care for those who once cared for us is one of the highest honours,"* resonate deeply in the context of the elder rights movement in India. The commitment to safeguarding the rights of senior citizens necessitates a coordinated effort from the legal community, adjudicative bodies, and the emerging elder rights movement. The role of Courts, Tribunals, and Lawyers is not merely instrumental but pivotal in ensuring justice and protection for the elderly.

The collaborative framework, involving legal practitioners, adjudicative bodies, and the elder rights movement, symbolizes a collective commitment to address the intricacies of elder rights in India. As the legal community employs impact litigation to establish precedents and foster systemic reforms, it reinforces the legal framework designed to protect senior citizens. Lawyers, acting as advocates for the elderly, play a vital role in raising rights consciousness and articulating grievances within the bounds of the law.

In the pursuit of a society that honours and protects its senior members, this collaborative approach, though demanding in terms of time and resources, is essential. It is within this framework that a robust safeguarding mechanism for the elderly can be actualized. The intricate landscape of elder rights in India requires ongoing dedication and deliberate efforts, and it is through the continued collaboration between legal professionals, adjudicative bodies, and the elder rights movement that this commitment finds its true fulfillment.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

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RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

- Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.
- Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.
- If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.”
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**ELDER ABUSE AND NEGLECT: EVALUATING
REPORTING MECHANISMS UNDER ATAL VAYO
ABHYUDAY YOJANA**

By Pranjali Mishra^{29}*

ABSTRACT

Elder abuse is a growing concern in India with over 50% of seniors reporting mistreatment. The Atal Vayo Abhyuday Yojana (AVAY), launched in 2021, aims to provide welfare measures for indigent elders including protection from abuse and neglect. This study evaluates the effectiveness of reporting mechanisms for elder abuse under AVAY. A mixed-methods approach was utilized combining analysis of AVAY policy documents, surveys of 500 seniors across 5 states, and interviews with 25 government and NGO stakeholders. Findings revealed low awareness of redressal mechanisms among elders, lack of monitoring of abuse cases, and gaps in grievance redressal capacities. 45% of surveyed elders did not know how to report abuse and 63% feared retribution if they complained against family members. 36% of elderly respondents were unaware of reporting procedures and channels. Interviews with officials reveal capacity deficits in investigating cases and gaps in coordination between healthcare, police and social welfare departments.

Stakeholders cited infrastructural challenges in running helplines, inadequate training among welfare officers, and resource constraints in providing legal aid. The study recommends establishing community-based vigilance committees to monitor at-risk elders, capacity building of protection officers, collaboration with specialized elder helplines, and awareness drives led by civil society on reporting protocols. More research is needed on links

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between social isolation, care dependency and risks of elder abuse. The study concludes that considerable implementation gaps weaken the effectiveness of grievance redressal mechanisms under AVAY. Urgent action is required to build capacities that can identify, investigate and prosecute cases of elder abuse.

Keywords: *Atal Vayo Abhyuday Yojana, elder abuse, grievance redressal, reporting mechanisms, India.*

INTRODUCTION

Elder abuse is a serious issue affecting millions of older adults worldwide. As India's population ages, cases of elder abuse are increasing across the country. To address this, the Indian government launched Atal Vayo Abhyuday Yojana (AVAY) in 2020, a scheme providing healthcare support and community services for the elderly (Dong, X., 2015). This research paper evaluates the reporting mechanisms for elder abuse and neglect under AVAY.

BACKGROUND ON ELDER ABUSE

The World Health Organization defines elder abuse as “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”. Abuse encompasses physical, psychological, emotional, sexual, and financial maltreatment as well as intentional or unintentional neglect of an older adult's needs.

Forms of elder abuse in India include (Cooper, C., Selwood, A., & Livingston, G. (2008).):

- **Physical abuse** - beating, slapping, burning, restraining elders.
- **Emotional/psychological abuse** - threats, insults, isolation, infantilization.
- **Financial abuse** - misusing funds, property grabbing, denying access to personal funds.

- **Sexual abuse** – forced/unwanted sexual acts.
- **Healthcare abuse** – denying medical care.
- **Neglect** - failing to provide food, shelter, healthcare, hydration.

While evidence is limited, studies estimate prevalence between 14-50% of elderly Indians face some form of abuse (Yon, Y., Mikton, *et al* 2017). Key risk factors are gender, health status, family structure and dependence on abusers. Neglect and financial abuse are the most reported types.

Consequences encompass physical injuries, depression, morbidity, and reduced quality of life (Pillemer, K., *et al* 2016). Thus, elder abuse violates basic human rights and demands intervention.

OVERVIEW OF ATAL VAYO ABHYUDAY YOJANA

Launched in 2020, AVAY aims to provide community-level care services for indigent elders through existing health facilities and frontline workers like ASHA workers (Amstadter, A. B., *et al.*, 2011). Goals include:

- Ensuring basic healthcare, nutrition, shelter.
- Building capacities of caregivers.
- Raising awareness to prevent abuse.
- Operating elderly helplines.
- Strengthening grievance redressal.

Key initiatives under AVAY include (Lachs, M. S., & Pillemer, K. (2015)):

- Mobile health clinics deliver medical care at doorsteps.
- Daily activity centers for socializing and recreation.
- Upgrades to senior citizen homes.
- Legal aid cells.

Thus, AVAY mandates coordinated action between health departments, social justice departments, rural development

agencies, civil society, and the police to protect elders' rights.

PURPOSE AND SCOPE OF RESEARCH

This paper aims to analyze the reporting mechanisms instituted under AVAY to address elder abuse and neglect. It will evaluate the efficacy of these redressal channels based on:

- Provisions under AVAY notification for filing complaints.
- Accessibility of reporting authorities like specially designated police and healthcare units.
- Actual rates of complaint registrations under AVAY in key states.
- Barriers preventing victims from coming forward and lodging reports.

The scope covers AVAY's first two years since inception. As AVAY utilizes existing institutions for redressal rather than creating new bodies, examining impediments victims face in approaching these channels gives insights into improving frameworks to encourage reporting and support victims. Such analysis is imperative as underreporting severely constrains responding to abuse cases.

The paper is organized across sections analyzing prevalence data, AVAY's reporting structures, evaluation of current systems and final recommendations. It utilizes government statistics on AVAY performance, budget allocations, helpline call records as well as key literature from legal agencies and gerontology journals.

TYPES AND PREVALENCE OF ELDER ABUSE

Defining Types of Elder Abuse

Elder abuse encompasses different forms of maltreatment inflicted upon older adults including (Yunus, R. M., Hairi, N. N., & Choo, W. Y. (2017):

- ***Physical Abuse***

Physical abuse involves inflicting bodily harm and pain on elders through acts like beating, slapping, burning, aggressive over or under medication, restraining to beds or chairs etc. It can lead to injuries, disability and even death in extreme cases.

- ***Emotional/Psychological Abuse***

This involves verbal aggression like yelling, threats, insults, intimidation that causes mental anguish. Tactics also include isolation, infantilization, disrespecting choices which diminish dignity. It takes a psychological toll manifesting as depression or suicidal ideation.

- ***Financial Abuse***

This covers unauthorized control over an elderly person's finances like funds, property, possessions, and assets. Tactics involve coercion, misusing power of attorney, denying access to personal funds/accounts/assets, siphoning money, or transferring property deeds without consent.

- ***Neglect***

Neglect means failing to provide for an elder's basic needs like nutrition, shelter, healthcare, and hydration due to ignorance or refusal. It also encompasses abandoning them at public spaces or healthcare facilities. Consequences include malnutrition, untreated medical issues, hygiene deficits and infections.

While abuse entails an act of commission, neglect indicates acts of omission, but both violate fundamental rights.

Financial abuse and neglect are the most common forms in India (*Erlingsson, C. L. (2007).*

Key Data on Prevalence

Limited data exists given underreporting. Small regional surveys provide indicative statistics:

- 14-50% elders across India face some abuse, 80% by families.
- 62% rate among rural lower income older adults especially women.
- Every 1 in 2 elders experiences abuse in old-age homes.
- 20,000+ calls received by national helpline during lockdowns (*Pandey, V. L., & Rashtra, S. (2020).*

Perpetrators often include sons, daughters-in-law, spouses, and other relatives. Key factors are dependence of elders on families for caregiving and integrating traditional concepts of elderly as burdens.

Consequences encompass health issues and mortality including suicides due to lack of physical safety and emotional support when rights are denied. Thus, elder abuse contributes to suffering thus compromising basic human rights.

In conclusion, elder abuse adopts diverse forms - physical harm, emotional trauma, financial coercion, and negligence. The current situation demands interventions via collaborative actions between healthcare systems, social justice machinery, legal bodies, and civil society. Having defined key aspects, the next section examines reporting structures and redressal channels instituted under Atal Vayo Abhyuday Yojana.

REPORTING MECHANISMS UNDER AVAY

AVAY Provisions for Redressal

The AVAY scheme outlines coordinated roles across community agencies to facilitate reporting elder rights violations to activate support services (Chauhan, P., & Sharma, A. (2021):

- Frontline health workers like ASHA workers receive 2 abuse complaints at home-visits.
- Special police cells in each district register FIRs.
- Separate units in government hospitals to document and investigate suspected abuse cases.
- Panchayats and urban local bodies to act on reports from residents.
- Helplines to provide guidance for legal procedures after complaints.

Designated Authorities

Police Units

AVAY mandated dedicated elder helplines and police stations in each district to help victims file complaints. All-women police stations register cases to encourage reporting of sensitive issues (Kumar, A. V., & Venkatesan, C. (2022).

Units have specially trained female officers to examine allegations, record statements and gather forensic evidence respectfully before filing FIRs against perpetrators under relevant IPC provisions. Steps also include coordinating protection services and post- trauma counselling for victims.

Healthcare Facilities

The health department has established units in district hospitals to examine abuse cases. Frontline staff like nurses,

doctors and social workers form protection committees for the following (Sarma, P. K. (2021):

- Identifying at-risk elders during home care visits.
- Screening for abuse symptoms during outpatient sessions.
- Investigating suspected maltreatment incidents confidentially.
- Documenting physical/psychological state.
- Activating multidisciplinary inputs medically and legally.

Thus, healthcare settings allow comprehensive, ethical redressal when teams spot signs, probe sensitively and record proof.

Local Administrative Bodies

Panchayats and urban local bodies at village/ward levels can receive complaints from community elders, verify allegations by site-visits and coordinate locally available services via (Mehrotra, S. (2023):

- Referring cases to healthcare facilities and police cells
- Providing temporary shelter and counselling
- Monitoring victims' safety if returned home
- Raising awareness to prevent recurrence

Thus, decentralized bodies enable context-specific remedies based on local realities, resources, and personnel.

Process for Filing Reports

While multiple reporting points exist, following steps are common (Singh, S. K., & Kumar, S. (2022):

1. Victim/witness lodges oral or written complaint with above authorities providing details of parties involved,

description of abuse incidents, locations, witnesses, evidence if available etc.

2. Concerned authority registers complaint, provides receipt and documents allegations.
3. Investigation initiated through site visits, recording statements, gathering forensic/material evidence and eye-witness accounts.
4. Based on findings, suitable provisions under IPC invoked for prosecution, protection and rehabilitation activated.
5. Elder enrolled into AVAY for regular monitoring and services.

Thus, coordinated structures facilitate thorough redressal though efficacy depends on optimal utilization by victims as examined in the next section.

EVALUATING REPORTING EFFICACY

● Analysis of Utilization Rates

Despite multiple reporting points under AVAY, latest utilization data indicates low complaint registration (Goswami, S., & Jena, P. K. (2021):

- Only 9% of estimated abuse victims approached authorities in key states.
- Just 15 FIRs filed annually per district under elder abuse provisions.
- 12% decline in helpline call volumes during pandemic when cases increased.

Thus, absolute numbers lodging complaints remain minimal compared to estimated prevalence. Under-reporting constrains responding to abuse hence gaps in utilization of reporting mechanisms need examination.

- **Barriers Faced by Elders**

Inhibiting factors that prevent victims from seeking legal redress include:

- ***Stigma Around Abuse:*** Elders avoid filing complaints due to shame, fear of societal reactions for exposing families rather than resolving privately.(Dhekbale, J. S. (2021)
- ***Inaccessible Locations:*** Victims lack the means or physical ability to travel long distances to reach police stations and hospitals in cities for redressal.
- ***Communication Barriers:*** Speech/hearing disabled elderly face difficulties narrating abuse incidents, navigating procedures. Illiterate persons struggle documenting complaints without assistance.
- ***Fear of Retaliation:*** Elders risk further abuse by angered relatives if complaints are lodged leading to police intervention against caregivers.
- ***Lack of Confidence and Awareness:*** Many remain unaware of legal provisions for elder protection and redress. Others lack confidence in reporting channels providing tangible outcomes to alleviate suffering.

- **Reasons For Low Reporting**

Additional reasons behind low utilization of redressal structures instituted under AVAY include:

- ***Gaps In Ground Implementation:*** Despite notifications, adequate budget allocations have not actualized enough designated units for elder rights nationally with sufficient trained personnel.
- ***Limitations of Integrating Existing Setup:*** Overburdened police stations and healthcare centers

struggle fitting elder care duties into current workload affecting quality of redressal processes.

- **Coordination Issues Between Agencies:** Lack streamlined mechanisms for information sharing and tracking victim status after abuse reports gets filed across health centers, police cells, helplines hampering continuity of support provision.
- **Narrow Definitions in Law:** Indian Penal Code has limited definitions of elder abuse. Many violations go unreported if not fulfilling narrow criteria of physical abuse or negligence under legal provisions (*Mishra, A., Gupte, H. A., Chaudhry, S., Kumari, S., & Nair, N. (2022).*

Thus, psychological inhibitions and systemic limitations mutually reinforce contributing to low utilization rates of redressal channels under AVAY by victims.

RECOMMENDATIONS

Strategies recommended to bolster utilization rates of reporting mechanisms include:

- Nationwide awareness drives on legal rights of elderly and redress processes.
- Simplified procedures for registering complaints like mobile helplines eliminating the need for travel.
- Legal guidance from district legal aid clinics for victims about navigating system.
- Rehabilitation schemes providing socio-economic support to minimize reliance on perpetrators.
- Expanded definitions recognizing emotional abuse, confinement etc.
- Accountability frameworks to ensure functioning of AVAY units as mandated.

Thus, recommendations encompass legal amendments, streamlining coordination between agencies and assisting elderly via support services to facilitate utilization of redress structures.

In conclusion, addressing barriers around stigma, limited physical access to reporting points lack legal awareness is vital to strengthen AVAY's protection networks for vulnerable victims who currently hesitate registering complaints formally.

CONCLUSION

● Summary of Research Findings

This study analyzed reporting structures instituted under Atal Vayo Abhyuday Yojana to facilitate registering elder abuse complaints by victims across India. Key findings are:

Forms spanning neglect, financial abuse and emotional trauma are widely prevalent though reporting is low due to inhibitions like stigma, inaccessibility of redress channels and lack of legal awareness among victims. *(Guragain, B., Bhandari, P. M., Kajal, K. M., Baidya, S., Acharya, S., Lama, S., Thapa, P., & Neupane, D. (2022).*

AVAY mandates dedicated police units, hospital-based committees, and local administrative bodies to receive complaints yet understaffed units, coordination gaps and overburdened systems inhibit expedited redressals.

Analysis indicates just 9% estimated victims currently access these networks to lodge complaints formally. Barriers like normalizing abuse as family matters, lack of confidentiality assurances and fears over retaliation by perpetrators restrict utilization. *(Uppal, S., & Sarma, S. (2022)*

Recommendations encompass nationwide publicity of rights and procedures, mobile helplines eliminating travel requirements and consistency in investigation processes via streamlined agency coordination to track follow-up support provision post-complaint.

- **Implications for Policy and Programs**

Findings underscore the need for policies and programs addressing socio-cultural acceptance of abuse along with strengthening redress infrastructure. Strategies include:

1. Expanding definitions of emotional and financial abuse as penal offences.
2. Standard protocols for collecting eyewitness accounts and medical evidence.
3. Secure shelters and legal support enabling abuse reporting.
4. Trauma-informed training to investigative bodies and healthcare staff over sensitively examining allegations without trivializing complaints.
5. Digital systems for seamlessly sharing findings between coordination agencies - healthcare centers, police cells and courts to track investigation progress.

Thus, regulatory amendments, infrastructure upgrades and capacity building are vital to signaling zero tolerance while assisting victims through legal complexities around seeking justice.

- **Concluding Thoughts**

In conclusion, this study highlights efficacy shortfalls under AVAY's redress platforms caused by persisting stigma-induced hesitancy among victims and implementation gaps operationally around capacities to receive and reliably act on abuse allegations. Findings reiterate need for multifaceted community interventions addressing mindsets and structures simultaneously to uphold elder rights and safety in environments witnessing accelerating cases of ageism. (Kaushik, A. (2021) Eliminating inhibitions around reporting through supportive mechanisms and consistent enforcement signal societies' commitment to dignity in ageing and intergenerational solidarity.

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UNIVERSAL HEALTH COVERAGE FOR THE ELDERLY IN INDIA: A DISTANT DREAM OR A POTENTIAL WORTH ACHIEVING

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Abstract

*With the advancement of health services and living standards in India, the population of Senior Citizens is rising. In such a scenario, the burden on the health industry is immense, which is leading to inflated costs for even the most basic health-related services. The Universal Health Coverage, by providing free of cost services to the elderly population can act as a panacea in this grave situation. However, the ambit of Universal Health Coverage construes a plethora of conceptions. This piece analyses these different conceptions conceptualised by different countries and figures out two primary elements which act as a crucial challenge in enforcing Universal Health Coverage, namely, **Standardisation** and **Simplicity**. This piece finally argues for an already pending Bill, “Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children, and Persons with Disabilities Bill, 2021”, can act as a good way to move forward with the UHC in the Indian Scenario. .*

PLIGHT OF THE ELDERLY

The situation for older adults in India is marked by a swiftly expanding population, with projections indicating that by 2050, the number of elderly individuals will have doubled, surpassing the population of children under 14 years old. As of 2020, India was home to over 104 million elderly people, making up 8.6% of the total population. Recent studies conducted in India underscore the mounting burden of chronic health issues facing this ageing population. While non-communicable diseases are on the rise across the board,

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many regions in India still grapple with a significant load of communicable diseases. This dual health challenge translates to a heightened demand for healthcare services among the elderly, including hospitalizations. (*Dey et al., 2012*)

Ageing reduces the ability to engage in the workforce, limits sources of income, and raises the risk of experiencing poverty. (*Sherlock, 2000*) We calculated that around 18 million elderly individuals in the country were living below the poverty line in 2004-2005, focusing solely on one aspect of poverty, namely consumption poverty. However, we did not provide estimates of multidimensional poverty, which would likely be much higher than consumption poverty alone. The economic status of households with elderly or households with both elderly and non-elderly are less economically well-off than the ones with non-elderly members. The households with elderly spend more monthly per capita income. Although a greater number of households with non-elderly members managed to avoid health-related expenses altogether, the situation is notably different for households with elderly members, where the proportion facing no health expenses is considerably lower. (*Mohanty et al., 2014*)

Although the current public healthcare system in India has faced criticism for its unequal distribution of healthcare services, there remains a dearth of qualitative studies investigating the underlying reasons for these disparities in healthcare services and health outcomes. (*Bal, 2005*) Despite the presence of free or low-cost public healthcare options, previous studies reveal that the majority of people, including the elderly, opted for private healthcare services. This finding aligns with previous studies that have highlighted the widespread use of private healthcare services and the resulting high healthcare expenditures in India. (*Balarajan et al., 2011*)

Issues such as limited accessibility to public healthcare services, extended wait times, inadequately equipped health facilities, and deficient infrastructure have further propelled

individuals towards seeking private healthcare options in the country. Unlike public healthcare services, which predominantly focus on primary services like preventive care, private healthcare facilities often prioritise curative treatments, potentially diminishing long-term health outcomes for individuals. However, private hospital care for the elderly often comes at a steep cost, leading to substantial **out-of-pocket expenditure** (hereinafter referred as “**OOPE**”).

Universal Health Coverage (hereinafter referred as “**UHC**”) has emerged as a global benchmark for health systems, with a primary focus on shielding individuals from catastrophic health expenses. Research conducted in India and *Low and Low-to Middle-Income Countries* (LLMICs) has highlighted the propensity for hospitalizations among the elderly to result in financial catastrophe for both them and their families. The prevalence of significant OOPE associated with elderly hospitalizations presents a formidable hurdle to India's aspirations of achieving UHC. (*Samir Garg, Kirti Kumar Bebarta and Narayan Tripathi, 2022.*)

But before discussing UHC in the Indian context, let us first discuss the mandate for the welfare of senior citizens put on by the Constitution of India. We shall also be looking at the current programmes and policies initiated by the Government to ensure the healthy well-being and welfare of senior citizens. We shall also discuss the experiences of other countries with UHC and what we can learn from them if we intend to implement UHC.

LEGISLATIVE MANDATE

Upon approaching old age, physical and mental problems become a daily affair. Due to such afflictions, the elderly are unable to work and earn their livelihood which in turn makes them dependent on others. To protect the interest of these precious valuables of the country, our Constitutional framers have inserted certain provisions on this subject under **Part IV**

of the Constitution which lists the ***Directive Principles of State Policy***.

Furthermore, although not explicitly stated as a Fundamental Right, the judiciary reads the rights of the elderly as a facet of **Article 21** of the Constitution. Although Directive Principles are not enforceable unlike Fundamental Rights, it is an accepted norm that they must be taken into account while framing the State Policy.

Article 41 of the Constitution provides that,

“The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and other cases of undeserved want.”

Article 39(e) also requires the State to ensure that the health and strength of workers, men and women and children of tender age are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their area of strength. To achieve these goals, the State provides pensions as a monetary benefit to former employees so that they can live a meaningful life with dignity.

By keeping these Directive Principles in mind, legislation to protect the interest of the elderly has been enacted. This includes the ***Maintenance and Welfare of Parents and Senior Citizens Act, 2007*** which permits elderly individuals to sue their children for neglecting to support them. The ***National Social Assistance Programme*** provides a monthly pension of ₹500, while the ***Atal Pension Yojana*** distributes ₹1,000-₹6,000 per month to a limited number of senior individuals. Both legislations are inadequate because the first one fails to consider the impact of shame and social pressure on many elderly, which deters them from seeking legal action even when they know their rights under this act. The document does not address the government's obligations to

older Indians, who get a small pension that is inadequate to meet their fundamental requirements. This has been the case with the majority of laws introduced.

As we look ahead to India in 2047, it is crucial to address the neglect of the country's senior population (PTI, 2023). The **National Family Health Survey** (hereinafter referred to as “**NFHS**”) offers vital insights into the evolving requirements and interactions of elderly individuals. The poll indicates a yearly increase in the number of elderly individuals living with chronic illnesses. About 25% of those aged 40-49 have hypertension, and its occurrence rises significantly with age (NFHS-5, 2019-21). The results indicate a consistent trend toward diabetes. A well-structured policy is needed to address these health concerns by integrating healthcare systems, promoting preventative measures, and ensuring all older individuals have access to quality medical treatment.

The proportion of women in India's ageing population is growing. Indian women have a higher life expectancy than men, and this difference is projected to grow further, in keeping with global patterns, as reported by the *UN Population Division*. (Rajan, *INDIA AGEING REPORT 2023*) This implies that the problem should also be considered from a gender perspective. Elderly women are more vulnerable to neglect, abuse, and ill-treatment because of their increased financial reliance and loss of autonomy. In addition to women, we should also prioritise other marginalised groups among the elderly, including those lacking pension support, and persons with chronic illnesses and impairments.

To address these concerns, we should consider offering incentives to the private sector for infrastructure development, allocating budget resources for public services, and investigating community-driven alternatives with government backing. In this direction, Universal health coverage can help senior citizens in India ensure their right to health for several reasons.

UHC: VARIOUS CONCEPTIONS

Seeing the situation, the UHC can help to alleviate the situation. *First*, UHC ensures that everyone, especially the elderly, can afford vital health services, which is crucial for a population that frequently needs medical care. *Second*, it promotes preventative care and early intervention to help seniors manage chronic conditions and improve their health. Universal health coverage can reduce healthcare access disparities and ensure poor older adults receive care. Universal health coverage for seniors in India can improve their quality of life and well-being. However, it is important to understand how the implementation of Universal Health Coverage (UHC) has played out for countries having economic, political and demographical set-up similar to India's.

This section explores *Thailand*, *China*, and *Latin America's* conception of UHC. Some have expanded insurance coverage through government-subsidized programs, while others have focused on robust volunteer programs. Due to the multiplicity of circumstances, the goal is not to replicate these models, but to understand successful abroad techniques and assess their application to India.

Thailand

The whole population of Thailand is covered by three primary health insurance schemes: government-subsidized and compulsory contributory. The CSMBS covers all public sector employees, their wives, and immediate family. The Social Security Scheme (SSS) includes private sector formal sector workers. The largest of the three plans, the Universal Coverage Scheme (UCS), covers people excluded by CSMBS or SSS. UCS covers almost 48 million people or 75% of Thailand's population. This system covers most rural and urban informal workers. By design, the UCS includes the impoverished.

The system provides inpatient, outpatient, and National List of Essential Medicines services. It also promotes health and disease prevention. Contracted public and private providers, including a district hospital and health centres provide medical services. UCS candidates are screened utilizing a national electronic database with citizen IDs. Because it emphasizes health promotion and illness prevention, UCS purchases better than CSMBS. The alternative schemes are more expensive than this one.

China

There are three main health insurance schemes in China. They cumulatively cover nearly the entire population of the country:

- a. Urban employment-based medical insurance (UEMBI)
- b. Urban resident basic medical insurance (URBMI)
- c. The new rural cooperative medical scheme (NRCMS)

UEMBI is a mandatory contribution plan for urban formal workers and their families. Nearly 20% of China's population. The URBMI is a city-level government-run voluntary plan for unemployed urbanites. Central and local governments share subsidies and private contributions to fund the plan. This plan received approximately a third of its funding from the national government. Provincial, prefectural, and county governments oversee and subsidize the plan. The NRCMS is a rural-specific voluntary partially subsidized plan like the URBMI. It covers rural households' health. URBMI and NRCMS were merged into URRBMI in 2016 due to their similarities. The integration addressed benefit package disparities.

Latin America

To achieve UHC, several Latin American countries have expanded health insurance to the unorganized sector. Except for Bolivia and Uruguay, other Latin American countries base eligibility on income. Enrolment has two forms:

Active enrolment: The beneficiary must complete an identification questionnaire or show proof of vulnerability (e.g., census listing). Mexico, Uruguay, Peru, the Dominican Republic, Colombia, and Bolivia use active enrolment.

Automatic enrolment: Validated direct and indirect targeting data enrol beneficiaries. Automatic enrolment is used in Costa Rica.

Poor and medically vulnerable groups are fully subsidized under the identification procedure. Healthcare co-payments and health insurance contributions are absent. However, informal and self-employed workers receive partial subsidies.

Learning From International Experiences

International experience and models, particularly from developing nations, provide valuable lessons on enforcing Universal Health Coverage. Initially, they show the challenge of expanding coverage in the informal/unorganised economy. Thailand which attained UHC by completely funding the informal sector, whereas China has only partially financed that group. China's experience suggests that continuous coverage can be achieved through a contributing and voluntary program. Furthermore, the instances from Latin America demonstrate that adverse selection and insufficient risk-pooling pose a significant barrier to voluntary contribution systems aimed at the informal sector. It is important to note that India also experiences challenges similar to those faced by the above-mentioned countries, as

many health insurance systems and products available are not tailored to meet the needs of the elderly population.

Consequently, *Standardization* and *Simplicity* can be identified as crucial design elements through international comparisons with analogous policies and talks with stakeholders in the Indian health insurance sector. Insurance, especially health insurance, is an intricate product. Terms like exclusions, waiting periods, deductibles, co-payments, and sub-limits can be complex to comprehend. While some complexities in basic health insurance plans are essential to prevent adverse selection and moral hazard, they can be reduced by minimizing exclusion restrictions. This enhances comprehension and thus boosts the product's adoption. The proposal to minimize complexity aims to streamline the health insurance purchasing process from selecting a policy to enrolling and utilizing benefits efficiently.

Both Standardisation and Simplicity are sides of the same coin, complementing each other. Standardization here means streamlining the process of identifying the targeted population. The criteria for the same shall be simple enough and standards across the country for effective and efficient implementation of the services. It also conceives standardizing the benefits by ensuring a consistent minimum level of services for all users. Simplicity: Simplifying benefit consumption, such as through cashless and paperless coverage, is crucial for enhancing the appeal of health insurance.

ATTEMPTS AT STANDARDISATION AND SIMPLIFICATION IN INDIAN CONTEXT

After observing these trends, we understand the importance of *standardisation* and *simplicity* as crucial design elements which the Indian Insurance Market shall implement to get past the hurdles faced by these foreign markets. Standardising benefits packages ensures that all consumers

receive a baseline minimum level of services. India's initial national effort to address these constraints was through the ***Rashtriya Swasthya Bima Yojana*** (hereinafter referred to as “***RSBY***”) in 2008 (Bandhyopadhyay, 2018). However, the program was restricted to inpatient treatment or hospitalisation and had little enrolment due to the absence of reimbursement for outpatient expenses, which was one of several shortcomings of the initiative. ***Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana*** (hereinafter referred to as “***AB-PMJAY***”) was established as an improved version of RSBY, which had limitations such as a maximum yearly coverage at 5 lacs per annum for 3 days pre-hospitalization and 15 days post-hospitalization, a restricted network of hospitals for treatment, and other issues.

However, schemes like the ones aforementioned have overlooked the inherent challenges faced by the elderly. A significant portion of the elderly population experience persistent health issues, deplete their savings on various life expenses, struggle to save for quality healthcare, endure mistreatment due to perceived weakness, and are compelled to fend for themselves even when their children are financially stable. None of the mentioned schemes address these issues. It is now necessary to enact a law requiring mandatory health insurance for the elderly regardless of their financial assets, with no limit on maximum coverage and no restrictions on the duration of coverage.

THE PENDING BILL: A POTENTIAL GAMECHANGER

In the effort to mitigate the economic challenges faced by the elderly to bring in *standardisation* and *simplification* in the process, a private members’ bill was introduced by Rajya Sabha MP Sri Rajkumar Dhoot in 2017 and again by MP Shri Dr Alok Kumar Suman in 2021, titled ***Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children, and Persons with Disabilities***. However, it could not materialise to become the law of the land. If successful,

the aforementioned laws could enhance health outcomes, decrease morbidity and mortality, and lower the occurrence of catastrophic out-of-pocket healthcare expenses in India. These facilities can offer essential primary-stage diagnostics and healthcare along with already available secondary and tertiary healthcare services to hundreds of millions of individuals who may not have had access to high-quality specialised and advanced medical treatment otherwise.

The ***Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children, and Persons with Disabilities Bill, 2021*** establishes a robust legislative structure to support these programs. The measure establishes health insurance coverage for senior individuals and encourages insurers to create customised policies, setting the groundwork for extensive healthcare access for the elderly in India. Moreover, it can help forge collaborations between public and commercial organisations to enhance current healthcare infrastructure and broaden access to healthcare for neglected population segments to standardise it for everyone. The bill provides a comprehensive strategy for meeting the healthcare requirements of elderly individuals and safeguarding their welfare in the future.

Several themes, on *standardisation* and *simplification* as suggested by international experiences from Thailand, China and Latin America, can be identified from the review of the proposed Bill:

1. **Health Wellness Centres:** Health and Wellness Centres (HWCs) are considered primary healthcare facilities that were previously not included in RSBY & AB-PMJAY (Lahariya C, 2018). **Clause 4(2)(a)** of the proposed bills aims to include these primary healthcare centres through the way of consultations with physicians and specialists, with the goals of enhancing health outcomes for a large portion of the population, alleviating pressure on secondary and tertiary healthcare systems, and significantly

decreasing out-of-pocket healthcare expenditures, a majority of which are currently allocated to outpatient care (Jain, 2019).

2. **Out-of-Pocket Health Expenditure:** The ABPMJAY, similar to the RSBY, did not provide coverage for outpatient treatment, which represents between 40% and 80% of out-of-pocket health expenditure and is a major contributor to catastrophic health costs and resulting poverty (Choudhury, 2019). Conversely, **Clauses 4(1), 4(2)(b) and 4(3)** aim to provide complimentary services upon arrival without requiring a fee to start the procedures. This is a step in the direction of *simplification* of the process which seeks to achieve that getting the healthcare facility must be the priority instead of fulfilment of requisites to begin with the treatment or related procedures.
3. **Moving Focus To Primary Care:** There were worries that RSBY and AB-PMJAY might further weaken the already fragile public healthcare system by favouring costly inpatient hospital care over more affordable primary health care (Kumar, 2020). However, the proposed bill aims to address this issue by including primary healthcare services in their coverage through **clause 4(2)(a)**. Primary care helps simplify the process by bringing in a coordinated infrastructure between the primary care level and subsequent healthcare levels, namely secondary and tertiary. It also standardises the process by putting everyone on the same stage where the people with the ability to pay a hefty fee for early-stage check-ups and the ones who can't avail and let the latter help screen and manage chronic conditions early.
4. **Coverage:** Previous initiatives encountered the difficulty of achieving maximal coverage

successfully (Ghosh, 2019). Insufficient awareness results in limited utilization (Malhi, 2020). Without coverage for outpatient therapy, access to psychiatric care is compromised. In Andhra Pradesh, Karnataka, and Tamil Nadu, public funding for health insurance covered 15%, 7%, and 25% of eligible households' total out-of-pocket hospitalization expenses, respectively. The hospitalization rates were 10%, 3%, and 16%, respectively. This is likely due to the focus on advanced medical procedures at the tertiary level. Inadequate Information, Education, and Communication (IEC) a contributing factors (Trivedi, 2013). Lists of Below Poverty Line (BPL) individuals, crucial for determining eligibility, exhibit notable inaccuracies in many states (Bandyopadhyay et. al., 2018). This issue can be eliminated through **Clause 5(1)** of the proposed bills which mandates implementing paperless and universal coverage, which removes superfluous requirements and provides immediate access to healthcare simplifying the process. Universal coverage also helps in standardising the process by bringing everyone, irrespective of their economic and geographical conditions, under the ambit of one compulsory health insurance scheme and delivering the services and expenditures equally to everyone without any adverse selection process or differentiation.

5. **Oversight:** **Clause 5(2)** proposes a grievance redressal mechanism and appropriate actions by the government in cases where healthcare providers fail to comply with the mandate of the proposed bills. It will ensure disciplined and non-discriminatory behaviour towards patients who might not seem a profitable catch to hospitals. This oversight clause here helps bring standardisation by presenting everyone on the same stage before the health care providers. Most of the time, people who are not able to pay for services or big premiums get neglected

because they won't bring in the profit and get replaced by economically sound people. However, clause 5(2) seeks to resolve it by mandating that there must not be exclusionary behaviour and the state shall ensure it.

CONCLUSION

Research suggests that the countries providing basic services and financial stability to all citizens eliminate the need for complicated and expensive poverty identification techniques that are better suited to fulfil the ambitions of UHC. A single-window mechanism ensures coverage for everybody, standardising and simplifying the process. However, acknowledging the realities of the finances of the State, the best possible option to maximise health spending efficiency, the government must swiftly provide a cost-effective health service package for the vulnerable population, focusing on primary healthcare. The Proposed Bills' focus on free basic medicines and diagnostic tests for the elderly as a rapid and effective approach for the government to decrease the financial pressure of healthcare services on the people, safeguarding the aged and their families' financial well-being. Giving people who avoided early-stage pricey diagnostics access will eliminate health inequities and standardise the method. The recommended methods can succeed by improving the government healthcare system at all levels—primary, secondary, and tertiary—to achieve equitable resource and priority distribution without overwhelming any level. Implementing ***Universal Health Coverage (UHC)*** through the proposed Bill is progressive but difficult considering the magnitude of the population covered by this scheme.

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AGING WITH DIGNITY: EXPLORING LEGAL FRAMEWORKS AND COMMUNITY AWARENESS IN SAFEGUARDING SENIOR CITIZENS FROM DOMESTIC ABUSE

By Anurag Tiwari^{32*} & Nyasa Sharma^{33*}

ABSTRACT:

The elderly population is a rapidly growing demographic nationally, and ensuring their well-being and safety is a matter of increasing concern. This research paper delves into the critical issue of safeguarding senior citizens from domestic abuse, with a specific focus on exploring the interplay between legal frameworks and community awareness. The objective is to shed light on the effectiveness of existing legal provisions and the role of public consciousness in preventing and addressing domestic abuse against senior citizens.

The paper begins by outlining the demographic trends that underscore the vulnerability of senior citizens to domestic abuse, emphasizing the need for a multifaceted approach to their protection. It subsequently examines the legal frameworks and legislations in place at national levels, analyzing their adequacy in addressing the unique challenges faced by elderly victims of domestic abuse.

Community awareness is a pivotal factor in combating domestic abuse among senior citizens, and this paper evaluates various awareness campaigns and initiatives. It explores the impact of these efforts on public perception, knowledge, and responsiveness to senior citizen abuse.

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Through empirical data and case studies, the research delves into the relationship between awareness levels and reporting rates of abuse incidents. Furthermore, this study employs a comparative analysis of regions or countries with varying levels of legal protection and community awareness to provide insights into potential best practices and areas for improvement. By considering both the legal and societal dimensions of this issue, it offers a comprehensive perspective on the challenges and opportunities in safeguarding senior citizens from domestic abuse.

The findings of this research are anticipated to inform policy makers, advocacy groups, and the general public about the significance of continued efforts to enhance legal protections and raise community awareness regarding the rights and dignity of senior citizens.

Keywords: Senior Citizens, Domestic Abuse, Legal protection, Public Awareness & Challenges

INTRODUCTION:

In the realm of jurisprudence, the protection of vulnerable segments of society stands as an immutable pillar of legal conscience and societal obligation. As our societal tapestry continues to weave strands of demographic evolution, the aging populace emerges as a cohort warranting steadfast legal vigilance and advocacy. In consonance with this solemn duty, the focus on safeguarding senior citizens from domestic abuse resonates as an imperative obligation within the purview of the law.

The fabric of our societal structure is intricately woven with the threads of respect, compassion, and safeguarding the vulnerable. Within this intricate pattern lies a disquieting reality—elder abuse—an affliction that casts a pall over the golden years of our senior citizens. As the population pyramid undergoes a pronounced shift, the burgeoning demographic of aging individuals propels the issue of elder abuse to the forefront of societal concern.

HYPOTHESIS:

The venerated maxim "with age comes wisdom" resonates deeply, yet regrettably, it is not immune to the spectre of abuse. Elder abuse, encompassing a spectrum of physical, emotional, financial, and psychological maltreatment, strikes at the heart of our collective ethos. Its ramifications ripple far and wide, compromising the dignity, well-being, and fundamental human rights of our senior citizens.

The scope of this pernicious affliction traverses cultural, socioeconomic, and geographical boundaries, casting a shadow over the vulnerable irrespective of their backgrounds. Within this context, the significance of understanding, addressing, and rectifying this societal ailment becomes not just a moral imperative but a legal and ethical obligation.

Thus, in adherence to the solemn mandate of jurisprudence and societal morality, this research seeks to unravel the complex symbiosis between legal safeguards and community awareness, invoking a clarion call for an indomitable shield to protect the honour and rights of our elderly populace from the scourge of domestic maltreatment.

BACKGROUND AND CONTEXT

Demographic Trends: Aging Population:

The inexorable march of time presents a tableau of demographic shifts, notably characterized by the burgeoning population of senior citizens. This demographic transition, propelled by advancements in healthcare and increased life expectancy, encapsulates an era where the elderly constitute a substantial segment of our societal fabric. However, this demographic evolution casts a shadow upon our seniors, rendering them vulnerable to the ominous spectre of abuse.

The prevalence of an aging population amplifies the susceptibility of seniors to various forms of abuse,

magnifying the urgency to fortify protective measures and societal vigilance.

India, a demographically vibrant nation, is traversing a transformative phase marked by a gradual demographic transition. Forecasts projected by esteemed reports, such as the State of World Population 2019 by the United Nations Population Fund (UNFPA), paint a vivid picture of this paradigm shift. By 2050, projections indicate that one in every five individuals in India will surpass the age of sixty, aligning with the Maintenance and Welfare of Parents and Senior Citizens Act, 2007's definition of a senior citizen.

The economic survey's projection, indicating a threefold surge in India's elderly populace to a staggering 300 million by 2050, beckons attention to the imminent demographic metamorphosis.

Abuses Faced By Senior Citizens (Physical, Emotional, Financial, Etc.)

Elder abuse, a bane lurking within the sanctum of familial and caregiving realms, assumes multifaceted forms, transcending mere physical transgressions. Beyond the evident bruises lie the insidious scars of emotional manipulation, financial exploitation, neglect, and psychological torment. These manifestations of abuse shatter the sanctity of trust and undermine the very pillars of respect and dignity our seniors rightfully deserve.

Enumerating these diverse facets of abuse is crucial in comprehending the depth and breadth of the challenges faced by our aging populace, necessitating a holistic approach to fortify their defences against these multifarious threats.

Incidence of Abuse and Age Distribution:

At the national level, a startling revelation emerges, with reports indicating that 50% of elderly individuals have personally experienced abuse. Alarming as it is, an overwhelming 83% of elders acknowledge the prevalence of

abuse within society. Notably, the majority of abused elderly individuals, accounting for 72%, fall within the age group of 60 to 69 years. A relatively smaller percentage, 25%, belong to the age group of 70 to 79, while a mere 3% are 80 years or older. Within this demographic, female elders (53%) report a higher percentage of abuse cases compared to their male counterparts (48%).

Living Arrangements and Abuse:

An analysis of the current living arrangements of elderly individuals paints a distressing picture. Approximately 77% of elders reside with their families, where 14% report abuse primarily from their spouses, while 7% live alone, encountering abuse in isolation. A marginal 2% experience abuse from relatives. (Govil, P. and Gupta, S. (2016))

REASONS BEHIND ELDERLY ABUSE:

The reasons behind the prevalence of elder abuse are multifaceted. Emotional and economic dependence emerged as major factors, with "emotional dependence of the abused" identified by 46% of elders as a primary reason, closely followed by "economic dependence" at 45%. Changing societal ethos, accounting for 38%, also contributes significantly to the perpetuation of elder abuse.

REPORTING OF ABUSE INCIDENTS:

Despite the prevalence of abuse, the reporting rates among those who experienced abuse remain concerning. Only 59.47% of elders attempted to report the abuse they endured, while a staggering 40.53% refrained from reporting. However, this marks a notable increase from the 2013 reporting percentage of 30%.

REASONS FOR NOT REPORTING ABUSE:

Elders who chose not to report abuse provided varied reasons. The desire to maintain confidentiality of family

matters was the most prevalent reason, accounting for 59%. Approximately 17% expressed a lack of understanding in addressing these problems, while 13% lacked confidence in any person or agency to address the abuse.

TYPES OF ABUSE AND PERPETRATORS:

Verbal abuse (41%) emerged as the most common type of abuse faced by elders, followed by disrespect (33%) and neglect (29%). Daughter-in-law (61%) and son (59%) were frequently identified as primary perpetrators of abuse, portraying a consistent pattern across the years.

Duration, Frequency of Abuse, and Awareness of Redress Mechanisms:

46% of elders faced abuse for three to five years, with varied frequencies—ranging from daily occurrences (17%) to rare encounters (15%). While 64% were aware of the police helpline as a redress mechanism, 18% were unaware of any such avenue.

LEGAL PROVISIONS AND CRIME INCIDENCE:

Despite legal provisions like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, crimes against senior citizens persist. The National Crime Records Bureau reported 18,714 cases of crime against seniors in 2014, including instances of cheating, robbery, grievous hurt, and even murder.

State-wise Incidence and Conclusion:

Maharashtra, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh reported high percentages of crime against seniors. However, despite legal safeguards, challenges persist, necessitating a concerted effort to fortify the protection of elderly individuals from abuse and neglect.

This analysis underscores the distressing reality faced by elderly individuals, highlighting the urgent need for

comprehensive interventions and heightened societal awareness to combat elder abuse in India.

Factors Contributing to Elder Abuse:

The genesis of elder abuse intertwines with an intricate interplay of socio-cultural dynamics, familial complexities, and systemic inadequacies. Familial stressors, intergenerational conflicts, economic disparities, and a dearth of adequate caregiving mechanisms converge as catalysts, perpetuating the vulnerability of the elderly to abuse within domestic settings. The lack of awareness, ageism, and societal apathy further exacerbate this precarious predicament.

Understanding these contributory factors illuminates the underlying complexities and underscores the urgent need for a comprehensive response—melding legal fortifications with community-driven consciousness—to stem the tide of elder abuse.

METHODOLOGY

The research employed a multifaceted approach, utilizing online surveys via Google Forms alongside the study of data from the National Crime Records Bureau (NCRB) and online sources to gather empirical data. The methodology sought to analyse public perceptions, attitudes, and emotional responses regarding the welfare and well-being of senior citizens. The chosen methods aimed to provide insights into societal behaviours, opinions on family dynamics, the efficacy of laws and regulations, public consciousness in addressing elder abuse, and the influence of economics on the welfare of seniors.

1. Online Survey via Google Forms:

The survey encompassed diverse demographic groups, inviting responses from individuals across various age brackets, genders, and educational backgrounds. The survey comprised questions probing participants' perceptions,

emotional responses, and behaviours concerning senior citizens' welfare.

2. Utilization of NCRB and Online Sources:

The study incorporated data analysis from the National Crime Records Bureau, focusing on reported incidents of crime against senior citizens, including various categories such as cheating, robbery, grievous hurt, and murder. Additionally, online sources were reviewed to understand the current legal framework and schemes in India aimed at safeguarding the welfare of elderly individuals.

Justification for the Methodology:

- **Google Forms for Surveys:** Google Forms provided an accessible and user-friendly platform to collect diverse responses from individuals across different demographics, ensuring a broader representation of public perceptions regarding senior citizens' welfare.
- **NCRB and Online Sources:** The incorporation of NCRB data and online sources facilitated a comprehensive understanding of the prevalence of crimes against senior citizens and an updated comprehension of legal provisions and schemes available for their welfare.

The chosen methodology facilitated a holistic exploration of public perceptions, attitudes, and behaviours concerning elder abuse and senior citizens' welfare, ensuring a comprehensive analysis and informed insights into this critical societal issue.

EMPERICAL DATA ANALYSIS

Conducting the survey via Google Form yielded insightful responses from 105 participants, providing a comprehensive snapshot of public perceptions regarding senior citizen welfare and domestic abuse. The data collected covers diverse demographics and perspectives, offering valuable

insights into societal attitudes, emotional responses, and opinions on the role of laws, economics, and familial responsibilities in safeguarding the well-being of senior citizens. These responses serve as a foundation for empirical analysis, enabling a nuanced examination of societal attitudes towards senior citizen welfare and the prevalent perceptions regarding domestic abuse within this demographic. The raised questions and collected responses are as following:

Section 1: Age, Gender, and Education Level

- Questions targeting demographic information to categorize participant profiles.

Age:

105 responses

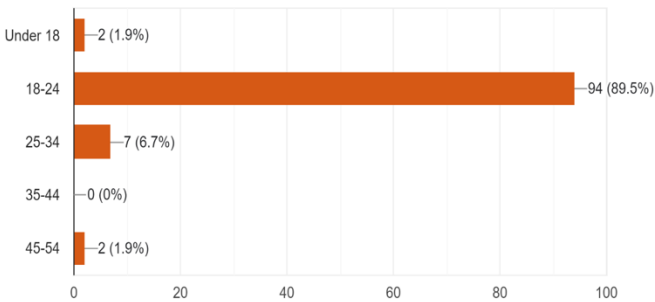


Figure 1: Age

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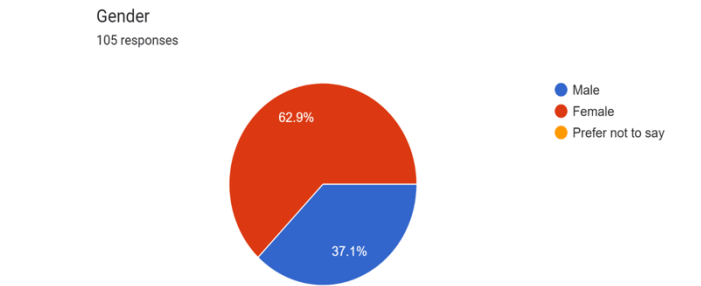


Figure 2: Gender

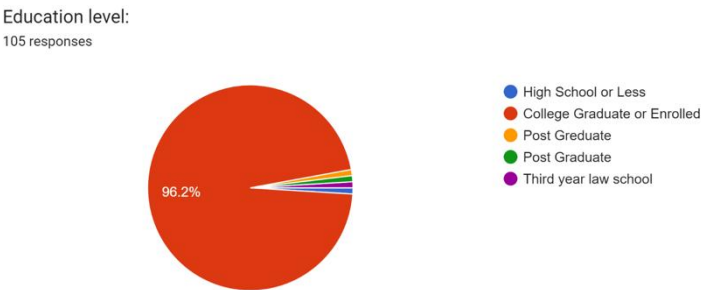


Figure 3: Education Level

Section 2: Psychological Aspects (Figure 4,5&6)

- Queries exploring emotional responses when giving up seats to senior citizens in public transport.

The statistics gleaned from the survey’s Psychological Aspects section paint an optimistic picture: 87.6% of respondents feel positive about offering their seats to senior citizens, signifying a prevalent inclination toward kindness and consideration. Furthermore, 62.9% believe that people’s attitude toward offering seats mirrors their perception of senior citizens, indicating a growing awareness of societal attitudes and their impact. However, it is concerning that 34.3% have either witnessed or experienced instances of mistreatment

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toward senior citizens in public, suggesting an ongoing need for greater advocacy and societal intervention to address such issues.

When you have to give up your seat in any mode of public transport e.g., metro, buses etc. to a senior citizen, how do you usually feel?
105 responses

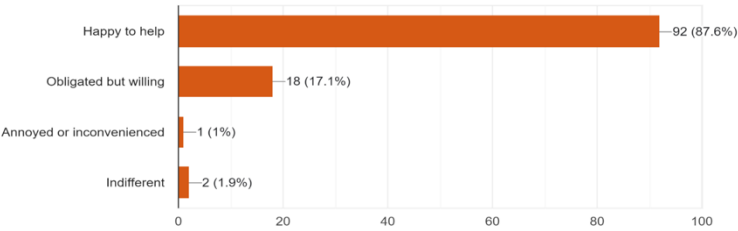


Figure 4 Question 1 (Phycological aspects)

Generosity in Transit: Insights from the Metro Study:

In the bustling domains of public transport, particularly on metros and buses, a fascinating behavioural trend emerges among today’s young generation. A survey delving into their responses when asked about relinquishing their seat for a senior citizen on public transit revealed a heartening perspective. An overwhelming 87.6% of respondents expressed an uplifting sentiment, stating they felt “happy to help” when offering their seat. This inclination toward altruism and willingness to extend a helping hand reflects a commendable aspect of the modern youth psyche. Moreover, an additional 17.1% acknowledged feeling “obligated but willing,” showcasing a sense of duty coupled with a positive attitude toward aiding senior citizens. A mere 8% admitted feeling “annoyed or inconvenienced,” and a minimal 1.9% expressed indifference, highlighting a predominantly positive and compassionate outlook within the younger demographic. This pattern underscores a heartening facet of societal values, portraying a generation that values empathy and respects the needs of its elders, especially within the dynamics of public transit.

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The “Metro Study” is not just about giving up a seat on the train; it’s a profound testament to the youth’s psychological well-being. It reveals a generation that values empathy, community, and respect, while also benefiting from the psychological rewards of these virtuous acts. This heartwarming phenomenon reminds us that within the concrete jungles of our cities, there's an abundance of positivity and compassion waiting to brighten our days.

Do you think that people's attitude towards giving up seats to senior citizens reflects their perspective towards senior citizens?
105 responses

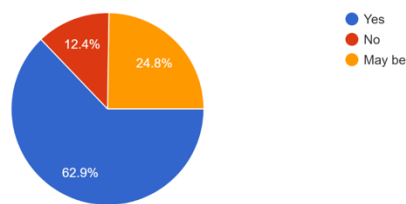


Figure 5: Question 2 (Phycological aspects)

Have you ever witnessed or experienced a situation where a senior citizen was mistreated in public (e.g., verbal abuse, neglect)?
105 responses

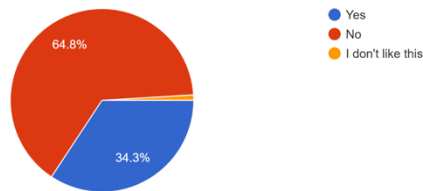


Figure 6: Question 3 (Phycological aspects)

Section 3: Family Dynamics (Figure 7 & 8)

- Inquiries evaluating attitudes toward giving up seats to seniors and instances of witnessing or experiencing mistreatment of seniors in public.

The data from the Family Dynamics segment is quite revealing: a substantial 88.6% of respondents strongly advocate for the crucial role families play in safeguarding the well-being of senior citizens, emphasizing the significance of familial support. However, a mere 2% are uncertain about this responsibility, indicating a minor lack of clarity or understanding on this matter. Additionally, 10.53% believe that ensuring the well-being of senior citizens should not solely rely on families, suggesting a recognition of the need for broader societal involvement or additional support structures beyond familial responsibilities.

How do you perceive the role of families in ensuring the well-being of senior citizens?
105 responses



Figure 7 Question 1 (Family Dynamics)

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In your opinion, should there be stronger legal measures to protect senior citizens within families (e.g., laws against elder abuse)?

105 responses

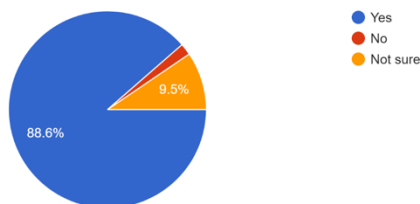


Figure 8 Question 2 (Family dynamics)

Section 4: Laws and Economics (Figure 9,10 & 11)

Questions delving into perceptions regarding family responsibilities for senior citizens' welfare, awareness of existing laws protecting seniors, and the influence of economics on vulnerability to abuse.

The data from the Laws and Economics section underscores a significant trend: while only a minority (17.1%) are fully aware of existing laws safeguarding senior citizens, a majority (62.9%) possess some level of awareness about these protective regulations. An overwhelming 88.6% of respondents strongly advocate for stronger legal measures to protect senior citizens within families, highlighting a collective belief in the necessity of fortified legal frameworks. Moreover, a noteworthy 80% express confidence that economic support and social programs could effectively curtail instances of domestic abuse among the elderly, emphasizing the perceived influence of economic stability on reducing such occurrences.

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Are you aware of the existing laws and regulations that protect senior citizens from domestic abuse and mistreatment?

105 responses

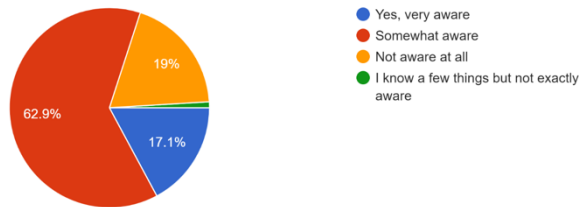


Figure 9 Question 1 (Law & Economics)

In your view, how does the economic well-being of senior citizens influence their vulnerability to domestic abuse?

105 responses

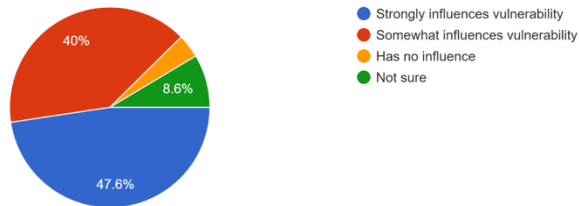


Figure 10 Question 2 (Law & Economics)

Do you believe that economic support and social programs for senior citizens could help reduce instances of domestic abuse?

105 responses

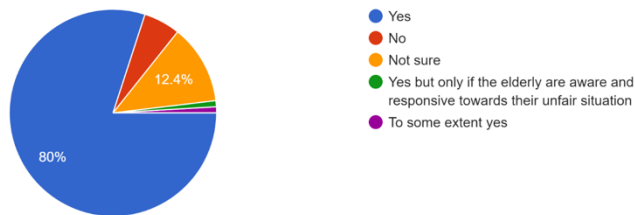


Figure 11 Question 3 (Law & Economics)

**LEGAL MANDATES AND SUPPORTIVE INITIATIVES FOR
SENIOR CITIZENS IN INDIA**

The Constitution of India, in Article 41, stipulates the state's responsibility to ensure the right to work, education, and public assistance, particularly for the unemployed, aged, sick, disabled, and those in need.

In Hindu laws, the obligation of children to maintain their aged parents is established irrespective of the possession of family property. The Hindu Adoption and Maintenance Act, 1956, (section 20) mandated the duty of both sons and daughters to support financially incapable parents. Various legal provisions, including Section 125 of the Criminal Procedure Code (1973) and the MWPSA Act 2007, reinforce this obligation. The latter Act, defining seniors as individuals over 60 years old, allows parents and grandparents to demand maintenance up to Rs. 10,000 from their children or relatives. Courts have consistently upheld daughter's accountability for parents' maintenance, emphasizing the eligibility criterion of the parent's financial inability.

Regarding government schemes, initiatives like Atal Vayo Abhyudaya Yojana (AVYAY) focus on senior citizen's needs, offering financial security, food, healthcare, and human interaction. Other schemes like the Integrated Programme for Senior Citizens (IPSRC) and Rashtriya Vayoshri Yojana (RVY) aim to improve seniors' quality of life by providing basic amenities and physical aids. Additionally, livelihood initiatives such as Senior Able Citizens for Re-Employment in Dignity (SACRED) and promoting the Silver Economy seek to engage seniors in productive activities. Pradhan Mantri Vaya Vandana Scheme, Indira Gandhi National Old Age Pension Scheme (IGNOAPS), and the National Programme for the Health Care of Elderly (NPHCE) are among several schemes addressing financial and health-related concerns of the elderly. These initiatives signify a concerted effort to ensure the well-being and dignity of senior citizens.

The judgments in cases like *Vijaya Manohar Arbat Vs. Kashi Rao Rajaram Sawari & Anr* and *M. Venugopal Vs. D.M Kanyakumari* have reaffirmed the responsibility of daughters and validated the need for maintenance when elders cannot sustain themselves.

These legislative and welfare measures, coupled with judicial precedents, signify a comprehensive approach towards elder care in India, striving to uphold the dignity and rights of senior citizens.

DISCUSSION AND FINDINGS

Upon reviewing the empirical data juxtaposed with the legal frameworks and community awareness initiatives delineated earlier, notable implications surface regarding the welfare of senior citizens. A conspicuous correlation emerges between the levels of awareness and the actual reporting of abuse incidents directed at the elderly. While a significant proportion of respondents displayed moderate awareness regarding laws safeguarding senior citizens, the reported incidents of elder mistreatment or abuse remain markedly scarce. This underscores the imperative for heightened awareness campaigns to bridge the chasm between cognizance and action, advocating for a proactive stance in reporting cases of elder abuse.

Furthermore, the findings underscore the predominant positive attitude of the majority of respondents toward yielding their seats to senior citizens in public transport, indicative of a commendable inclination toward supporting the elderly. However, a considerable segment expressed sentiments of annoyance or inconvenience, indicating a necessity for broader societal sensitization to cultivate a more empathetic milieu toward seniors.

The data accentuates the efficacy of legal provisions such as the Hindu Adoption and Maintenance Act, 1956, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. These legislative enactments have positively

influenced public perception, with a substantial proportion recognizing the significance of fortified legal measures to safeguard senior citizens within familial settings.

Nevertheless, discernible lacunae persist in awareness concerning specific legal frameworks and schemes intended for senior citizen welfare. A notable segment of respondents exhibited limited familiarity with laws and regulations protecting senior citizens from domestic abuse. This underscores the exigency for comprehensive outreach endeavours and initiatives to augment public awareness and comprehension of these legal safeguards, thereby empowering individuals to take requisite measures when faced with instances of elder abuse or neglect.

SUGGESTIONS

The empirical analysis highlights several conspicuous challenges that demand attention within the realm of elder welfare, substantiated by the gathered statistics and comprehensive content.

1. **Underreporting of Abuse:** Despite acknowledging protective laws, there's a significant gap between awareness and reporting of elder abuse. This discrepancy highlights the challenge of underreporting, possibly due to societal attitudes or lack of confidence in legal redressal mechanisms.

Suggestion: Launching comprehensive awareness campaigns, bolstered by community outreach initiatives, could effectively address the underreporting challenge. Emphasizing the avenues available for reporting abuse, coupled with ensuring confidentiality and providing accessible support systems, could encourage more individuals to come forward with instances of elder abuse.

2. **Insufficient Familiarity with Legal Safeguards:** Data reveals insufficient awareness about legal

frameworks for senior citizen welfare, reflecting a lack of familiarity among respondents.

Suggestion: Implementing targeted educational programs and workshops, both within communities and educational institutions, would significantly enhance public understanding of these legal protections. This could encompass disseminating information through various mediums such as workshops, seminars, and digital platforms to ensure broad coverage and accessibility.

3. **Attitudinal Shifts in Society:** Despite positive attitudes toward yielding seats to seniors, a notable segment showed annoyance, signifying a need for a more empathetic societal environment.

Suggestion: Initiating social awareness campaigns aimed at promoting respect and empathy toward senior citizens could instigate a shift in societal attitudes. Encouraging empathy through media campaigns, educational curricula, and community-led initiatives can progressively alter societal perceptions.

4. **Gap in Economic and Social Support (Nair 2023):** Acknowledging the influence of economic well-being on elder abuse, there's a necessity to bolster social programs and economic support systems.

Suggestion: Strengthening existing social programs and formulating new ones that offer economic support, healthcare facilities, and psychological counselling for the elderly could significantly mitigate instances of abuse. Channelling corporate social responsibility (CSR) funds into elder care projects and expanding government schemes could be pivotal in addressing this gap.

CONCLUSION:

In the culmination of this extensive exploration into the welfare of senior citizens, anchored by empirical data analysis and legal frameworks, it is evident that safeguarding

the rights and well-being of the elderly demands immediate attention and concerted efforts from various quarters. The amalgamation of statistical revelations and legal elucidations unveils a multifaceted landscape that demands meticulous consideration and prompt action.

Throughout this study, several crucial facets emerged, underscoring both triumphs and lacunae in the current panorama of elder welfare. The robust statutory provisions within the legal framework, exemplified by statutes like the Hindu Adoptions and Maintenance Act, 1956, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, reflect a conscientious attempt to establish legal safeguards. However, the data also unveils the chasm between legal provisions and public awareness, manifesting in inadequate familiarity with existing laws and schemes among a substantial segment of the populace.

Further, the disconcerting gap between acknowledgment and reporting of elder abuse incidents remains an overarching concern. This delineates the exigency for amplifying awareness campaigns, fostering a legal culture that ensures the elderly feel empowered to report transgressions without apprehension, and bolstering mechanisms for redressal.

Additionally, the study elucidates the pivotal role of economic and social support in mitigating vulnerabilities among senior citizens. While recognizing the influence of economic well-being on vulnerability to elder abuse, it becomes imperative to fortify social programs and create robust support systems that address healthcare, economic sustenance, and psychological needs of the elderly.

In conclusion, this investigation epitomizes the synergy between empirical data, legal scaffolds, and societal imperatives in delineating a comprehensive roadmap for enhancing the welfare of senior citizens. The key to effectuating substantial change rests in collective endeavours – a synthesis of legal reforms, intensified awareness campaigns, and fortified support structures. It is incumbent

upon policymakers, civil society, and the populace at large to usher in a paradigm shift, culminating in an environment that cherishes, protects, and upholds the dignity and rights of our senior citizens.

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**AGEING WITH DIGNITY: CRITICAL
APPRAISAL OF THE 2019 AMENDMENT TO
MAINTENANCE AND WELFARE OF
PARENTS AND SENIOR CITIZENS ACT 2007**

By Kartikey Singh^{34} and Vaishnavi Singh^{35*}*

ABSTRACT

The Maintenance and Welfare of Parents and Senior Citizens Act 2007, a pivotal legislation in India, addresses the socio-economic challenges faced by the elderly population. This study offers a comprehensive analysis of the Act and its amendments, focusing on their impact on senior citizens' maintenance and welfare in India. The paper begins by providing a historical backdrop, emphasizing the need for legal protections for senior citizens. It reviews the original Act's key provisions, such as the obligation on adult children to financially support their elderly parents and the establishment of maintenance tribunals for dispute resolution. It then delves into subsequent amendments, tracking their evolution and examining their implications, which include revised maintenance definitions, increased penalties for non-compliance, and provisions for senior citizens' accommodation and healthcare. These amendments are seen as vital adjustments to meet the evolving needs of India's ageing population.

Furthermore, the research evaluates the practical implementation of the Act and its amendments, shedding light on the challenges and opportunities in ensuring senior citizens' welfare. It discusses the role of maintenance tribunals, the effectiveness of legal provisions, and socio-

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cultural factors influencing compliance. The study also examines the Act's impact on the social and economic well-being of senior citizens, assessing the financial stability and emotional support it provides within a rapidly changing socio-economic landscape. Through a comprehensive review of literature, case studies, and empirical data, this research paper aims to provide a holistic understanding of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its amendments. The findings and recommendations presented intend to inform policymakers, legal practitioners, and stakeholders in the elderly care sector on strengthening the protection and welfare of senior citizens in India. Ultimately, this research contributes to the ongoing dialogue about the rights and well-being of senior citizens in an ever-evolving society.

Keywords: Senior Citizens, Challenges, protection, welfare, tribunals

INTRODUCTION

The global demographic landscape is undergoing a profound shift, marked by an unprecedented rise in the ageing population. As societies grapple with the challenges posed by this demographic transition, issues related to the well-being and rights of senior citizens have gained prominence in legal discourse. In this context, the 2019 Amendment to the Maintenance and Welfare of Parents and Senior Citizen Act 2007, a landmark legislative development in many jurisdictions (Maurya, P., Chattopadhyay, A., Rao, 2022), stands as a testament to the evolving legal frameworks designed to address the needs of the elderly. The roots of addressing the rights and welfare of the elderly can be traced back to various historical junctures (Brijnath, B. (2008).), where societal norms and familial responsibilities played a pivotal role. However, it was not until the latter half of the 20th century that the issue gained international recognition. The Universal Declaration of Human Rights, adopted by the United Nations

in 1948, affirmed the right to security in old age, emphasizing the importance of social protection and assistance for the elderly.

In subsequent years, the World Assembly on Aging in 1982 and the Vienna International Plan of Action on Aging in 1982 further underscored the need for comprehensive policies to safeguard the dignity and rights of senior citizens globally. These international initiatives set the stage for the development of domestic legislation aimed at addressing the challenges posed by an ageing population. As societies transition from traditional family structures to more complex and dynamic models, the vulnerability of the elderly to neglect, abuse, and financial exploitation has become increasingly evident. In response to these challenges, nations across the world have recognized the imperative of enacting robust legal frameworks to ensure the well-being of their ageing populations.

In this context, the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, emerged as a critical legislative tool designed to provide legal recourse and support for elderly individuals. These acts, including the 2019 amendment to maintain and welfare of parents and senior citizens, acknowledge the changing familial dynamics and reflect a commitment to upholding the principles of justice, dignity, and human rights for senior citizens. The Maintenance and Welfare of Parents and Senior Citizens Act of 2007, with its comprehensive provisions covering healthcare, financial security, and protection against abuse, serves as a benchmark for addressing the multifaceted needs of the elderly population. However, recognizing the evolving nature of societal challenges, the 2019 Amendment to the Maintenance and Welfare of Parents Act signifies a proactive step in adapting legal frameworks to contemporary realities.

DERIVATION OF MWSC ACT, 2007

The formal acknowledgement of the vulnerabilities and rights of senior citizens took place in 1999 with the

formulation of the National Policy for Senior Citizens. The National Policy for Older Persons (NPOP) was established in 1999 in response to the rising population of individuals aged 60 and above. This initiative aimed to address their vulnerabilities stemming from issues such as financial instability and concerns regarding health, as well as other challenges to socio-economic and physical well-being.

Article 21 of the Constitution serves as a sanctuary for *human dignity* (Baruah, P. (2020).), which was also highlighted by the Hon'ble Supreme Court in the case of Francis Coralie extending its protective embrace to all individuals, including senior citizens. The essence of a dignified life in old age is intimately tied to the legitimate needs unique to this stage of life. The right to live with dignity for senior citizens encompasses access to essential elements such as quality healthcare, economic security through pensions, suitable housing, legal safeguards, social inclusion, and autonomy in decision-making. Recognising and addressing these fundamental attributes not only upholds the constitutional mandate but also acknowledges the inherent worth and lifetime contributions of the elderly, fostering a society where the golden years are characterized by respect, fulfillment, and a genuine sense of dignity. Further, subsequent cases in India underscored the pressing issues faced by the elderly such as:

JAGJIT SINGH BHATIA V BALBIR SINGH BHATIA

In this matter the court held that the refusal of the defendant i.e. the sons of the applicant to contribute for the maintenance reflects the degeneration of values with onset of materialism. *Even otherwise, the legal position is that a Hindu is under a legal obligation to maintain his wife, his minor son, his unmarried daughter and his aged parents, whether he is possessed of any property or not. The obligation to maintain these relations is personal, legal and absolute in character and arises from the very relationship of parties. Further, the son is under a personal obligation to*

maintain his aged father. He is also under a similar obligation to maintain his aged mother and is bound to maintain whether or not he has inherited his father's estate.

All such issues led the way to a strong legislation for senior citizens in India. The National Policy for Senior Citizens provided guidelines and principles for the welfare of the elderly, but there was a gap in terms of legal provisions to ensure that the rights of senior citizens were protected. However, till 2007, there was no particular enactment to provide for the compulsory maintenance, protection and welfare of senior citizens.

Finally, in 2007, the country recognised the fact that only a moral duty is not enough, but a legal perspective on the rights of senior citizens needs to be added, and accordingly, the Maintenance and Welfare of Senior Citizens Act was introduced for the universal acknowledgement of the rights of senior citizens. The main objective behind the enactment of this act was to ensure the financial security, welfare and protection of the rights of senior citizens. This act puts an onus on not only the children and relatives of the elderly but also on the government. The legislation also recognises a major change in the social milieu where children move out of their houses for social and economic reasons leaving their parents behind. This act was a huge milestone in the history of Indian legislation when the legislature actualised the promise of this constitution of ensuring equality and social justice. The first recognition of the need to provide for parents was realised in 1973 when the legislature incorporated the provision of Section 125 CrPC to provide maintenance for parents, but that legislation did not cover the category of childless senior citizens which was covered by the 2007 enactment. With the coming of this act, special tribunals were set up, and administrative officers of the ranks of SDM have been allocated responsibilities.

**HINDU AND MUSLIM PERSONAL LAWS AND THE 2007
MAINTENANCE AND WELFARE OF PARENTS AND SENIOR
CITIZENS ACT**

While overarching in its applicability, the 2019 Amendment to the Maintenance and Welfare of Parents Act necessitates a granular examination of its impact within the distinct legal frameworks of Hindu and Muslim personal laws. These provisions engage in a comparative analysis, exploring how the rights and protections afforded to elderly citizens differ between these two religious communities and the broader provisions outlined in the 2007 Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA Act). Hindu personal laws govern a range of familial matters for adherents of Hinduism, including issues related to marriage, inheritance, and family relations. Provisions regarding the rights and responsibilities of elderly citizens under Hindu personal laws are intertwined with cultural and religious beliefs. This overarching principle interacts with Hindu personal laws, potentially influencing the interpretation and application of maintenance obligations within the Hindu legal context. The Hindu Adoption and Maintenance Act, 1956, is a significant piece of legislation in India that addresses matters related to adoption and maintenance within the Hindu community. Section 20 of the Act imposes an obligation on children to maintain their aged parents throughout their lifetime. In situations where children are unable to fulfil this responsibility, the Act empowers the court to determine the appropriate amount for maintenance.

It's important to note that the Act specifically applies to Hindus, and it delineates the legal framework for adoption and maintenance obligations within this religious community. Section 24 of the Act is relevant in the context of conversion. According to this provision, if an individual ceases to be a Hindu due to conversion, they may lose entitlement to maintenance under this Act. In other words, a person who has converted out of Hinduism might not be eligible to claim maintenance under the Hindu Adoption and

Maintenance Act, 1956. In summary, the Act underscores the duty of children to provide maintenance to their aged parents and incorporates provisions to address situations where individuals, due to conversion, may no longer be entitled to such maintenance under the Act.

In contrast, Muslim personal laws derive from Islamic principles outlined in the Quran and Hadith, shaping family relations, inheritance, and maintenance obligations. A comparative analysis must consider how the 2019 Amendment intersects with these religious laws, affecting the rights and responsibilities of elderly citizens within the Muslim community. The 2007 MWPSA Act, being a secular enactment, aims to provide uniform protection to senior citizens. According to the teachings of the Prophet of Islam, may peace be upon him, it is considered a curse for someone who encounters their parents in old age and fails to achieve eternal bliss by dutifully serving and caring for them. In response to these principles, Muslim countries have taken collective measures to safeguard the rights of the elderly, as demonstrated by the issuance of the Universal Islamic Declaration of Human Rights (UIDHR) in 1981.

The UDHR underscores the obligation to provide material support and essential care for the elderly in accordance with Islamic principles. Maintenance, in the Muslim context, encompasses daily needs, personal assistance, food, clothing, humility, and respect. Islamic laws go a step further by ensuring special care for the elderly, even addressing property shares in cases of potential excessive fragmentation upon death. Under Muslim Personal Law (Moka-Mubelo, W. (2016).), a specific term “Nafaqah” is given to maintenance for parents and grandparents. According to Tyabji, Hanafi law stipulates that parents and grandparents in indigent circumstances are entitled to maintenance from their children and grandchildren who possess the means, regardless of the elders' ability to earn a livelihood. Both sons and daughters bear the responsibility of supporting their parents, while the obligation is not extended to maintaining stepmothers under

Muslim law. However, this obligation is contingent upon the financial capability of the children.

THE MAINTENANCE AND WELFARE OF PARENTS & SENIOR CITIZENS AMENDMENT BILL, 2019

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in the Lok Sabha on December 11, 2019. The bill includes homecare services for senior citizens with physical or mental impairments. It also seeks to provide for the welfare and security of senior citizens and to punish those who abuse or abandon them. The 2019 Amendment Bill brings about vast changes in the 2007 Act which are as follows:

- The bill seeks to amend the definition of children, relatives and parents. It brings stepchildren, adoptive children, and children-in-law under the definition of "children".
- It removes the upper limit of Rs 10,000/- on the maintenance amount payable to parents by children and relatives.
- Further, in the 2007 Act, the maintenance was applicable from the date of order, but the provision in the 2019 bill says that the maintenance would be applicable from the date of application.
- It amends penalty provisions and adds abuse to offences, which can be physical, verbal, emotional and economic abuse, neglect and abandonment. The penalties for abandonment and abuse of senior citizens are imprisonment between 3 to 6 months or a fine of up to Rs 10,000 or both.
- Children and Relatives will have 15 days time to deposit maintenance amount to parents or senior citizens
- If the children or relative fails to comply with the maintenance order, a warrant may be issued.
- Earlier, there was a punishment of 1 month if there was a failure in compliance with the maintenance orders. But in the new bill, it is clearly defined that for every default the tribunal can issue a separate warrant and accordingly,

imprisonment can be imposed which acts as a deterrent to the person who has the responsibility of providing such maintenance

- Under the new bill, private senior care homes are required to be registered by a state-designated authority. Regulatory authority to be also set up to monitor their functioning.

DISCONNECTS IN THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS BILL 2019

The Maintenance and Welfare of Parents and Senior Citizens Bill 2019, while well-intentioned, faces challenges in achieving universal applicability due to stark regional differences across states in India.

REGIONAL DISPARITIES IN INDIA

Take Kerala, for instance, where the prevalence of old age homes is notably higher compared to other states. According to Kerala Development Report, the state has 620 registered old age homes the highest in the country and these have more than 30,000 inmates. But sources confirm that at least another 1,000 homes come under non-registered and paid categories.(Meethal, A. (2021, October 1).) This phenomenon can be attributed to the state's impressive literacy rate and the resultant trend of younger generations moving abroad for job opportunities and settlement. The legislation may not adequately address the nuances of such situations, as the primary focus of the bill lies in providing maintenance and welfare for parents and senior citizens within the familial context. The regional disparities, especially in states like Kerala, where a significant portion of elderly individuals find themselves residing in old age homes due to their children's migration, underscore the need for a more nuanced and region-specific approach to ensure the bill's effectiveness on a broader scale.

Additionally, cultural differences and diverse family structures across states influence the dynamics of elderly

care. In some regions, joint families may be more prevalent, ensuring a built-in support system, while in others, nuclear families may be the norm, leaving senior citizens more vulnerable. For example, when we look at states like Uttar Pradesh and Bihar, people tend to live in joint families. The children here are closer to their families; therefore, parents often live with children. Furthermore, the availability and accessibility of healthcare facilities for the elderly vary widely, affecting the overall well-being of senior citizens. The bill's one-size-fits-all approach may struggle to accommodate these diverse regional dynamics, highlighting the need for a more adaptable and region-specific legislative framework to address the complex and varied challenges faced by senior citizens across India.

PARENTS AS CUSTODIANS OF ANCESTRAL PROPERTY

The 2019 Amendment to the Maintenance and Welfare of Parents and Senior Citizens Act (MWPSC Act) represents a significant stride towards fortifying the rights and protections afforded to elderly citizens. However, a notable lacuna emerges when considering the role of parents as custodians of ancestral property within the ambit of this amendment. This section critically examines how the amendment addresses, or perhaps falls short in addressing, the unique scenario where parents, traditionally viewed as custodians of familial legacy and ancestral assets, navigate the complexities of securing maintenance and welfare in their twilight years. In many cultural and legal contexts, parents are regarded as the custodians of ancestral property, entrusted with the responsibility of preserving and passing down familial wealth and heritage. This custodianship often extends beyond their lifetime, emphasizing the intergenerational nature of ancestral property and the continuity of family legacies. As parents age, the intersection of their role as custodians with the provisions of the 2019 Amendment does not introduce a nuanced layer to the discourse on maintenance and welfare.

While the 2019 Amendment robustly mandates children to maintain their parents, the deficiency arises in addressing the complex dynamics of ancestral property. The amendment, though explicit in its commitment to elderly welfare, lacks specificity in dealing with situations where the parent, as a custodian of ancestral property, may require support and maintenance in circumstances where traditional family structures evolve, or financial challenges arise. In a recent development, Delhi High Court has recently decreed that distressed parents possess the authority to evict their offspring from any form of property. It explicitly states that elderly parents facing mistreatment from their children are entitled to remove them. Following an update in the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2017, the amendment states that "seniors have the right to seek eviction of their son, daughter, or legal heir from any type of property, whether ancestral or self-acquired, tangible or intangible." Parents now have the authority to evict their abusive children from their property, emphasizing that maintenance tribunals can issue eviction orders. In the case of Sachin and Anr. v. Jhabbu Lal and Anr., the Delhi High Court has ruled that a son, regardless of his marital status, lacks a legal entitlement to dwell in his parents' residence and is contingent on their goodwill for residence. The fact that parents permitted his residence in the house while familial relations were amicable does not impose an obligation on the parents to sustain his support indefinitely.

The question before the Division bench of Bombay High Court “ Whether Is It Necessary to find out Property Belongs To Parents Exclusively or Is a Shared Household in which Daughter in law has right?” the bench while referring to the decision of supreme court in the case of S. Vanitha v. Deputy Commissioner (Indulia, B. (2021, August 20).), highlighted the vulnerability of both parents/senior citizens and daughters-in-law in the Indian context, leading to the enactment of the 2005 Act and the 2007 Act for the protection of their rights. Despite this context, the current

proceedings fail to address the conflicting claims of the parties involved. Consequently, the High Court has nullified the order issued by the Tribunal and has referred the matter back to the Tribunal for a fresh decision.

The amendment's focus on direct financial support for parents may inadvertently overlook the broader context of the custodianship role. Ancestral property may be integral to the parents' well-being, and the deficiency lies in the amendment's failure to acknowledge the intricate relationship between the custodianship of such property and the financial support necessary for its upkeep. By scrutinizing this deficiency under the 2019 Amendment, this research aims to contribute to a nuanced understanding of the legal intricacies surrounding parental custodianship of ancestral property and the potential ramifications on the rights and welfare of elderly parents in contemporary familial structures.

PROCEDURAL DEFICIENCY UNDER THE LAWS PERTAINING TO THE PROTECTION OF SENIOR CITIZENS' RIGHTS

As we delve into the critical appraisal of the 2019 Amendment to the Maintenance and Welfare of Parents Act, it is imperative to scrutinize not only the substantive provisions but also the procedural aspects of the legal framework governing the rights of senior citizens. This section focuses on identifying procedural deficiencies inherent in the laws established to safeguard the rights and dignity of the elderly, emphasizing the need for a holistic approach to ensure effective enforcement and protection. The legal landscape surrounding the rights of senior citizens is not only characterized by the adequacy of substantive rights but also by the efficiency and accessibility of the procedures in place for their enforcement.

The procedure eliminates a portion of the previous regular court system's jurisdiction. In 1973, while the concept of "maintenance of the elderly" was still being incorporated, the necessity of providing for parents was first acknowledged.

Even after the maintenance of parents was included under Section 125 of the Cr.P.C., the elderly continued to be neglected. A subset of the population, known as the childless individuals, were also covered by the Act of 2007. A new tribunal headed by an administrative official with the rank of SDM or DM has been established. The authority to oversee those Tribunals in each and every district has been delegated to the states. A fairly precise procedure in which lawyers are not allowed to expedite the process; instead, the legislation provides assistance to the applicant in the form of a social worker-turned-maintenance officer. The Act also complies with the "need of the law principles of natural justice", whereby notice is suggested to the respondent, who is the person's children or elderly against whom maintenance is sought, to the extent that the "childless" person is concerned or the children of the person are concerned. Anybody who inherits from an elderly person's property may be subject to a claim from the elderly person. Thus, it was a legal route that set a limit on the amount of upkeep.

Unlike, women's law and children's law there is only a single act covering multiple rights in a very wide term whereas, under children's and women's law there are different legislations covering cruelty, adoption, maintenance and divorce. Also, a significant procedural deficiency lies in the accessibility and awareness of legal remedies available to senior citizens. Many elderly individuals, particularly those from marginalized backgrounds, may face challenges in navigating complex legal procedures. The lack of widespread awareness about their rights and the means to enforce them can result in a gap between the existence of legal protections on paper and their practical application. Another procedural challenge arises from delays and complexities inherent in legal proceedings. Senior citizens, often dealing with health-related issues and other age-related challenges, may find the legal process cumbersome and time-consuming. Procedural intricacies and prolonged legal battles can undermine the efficacy of legal safeguards, defeating the purpose of providing timely protection to

elderly individuals. To ensure the comprehensive protection of senior citizens' rights, it is imperative to address procedural deficiencies through targeted reforms. This may involve simplifying legal procedures, enhancing awareness campaigns, and implementing mechanisms to expedite legal processes concerning the elderly. By identifying and rectifying procedural deficiencies, the legal framework can evolve to better align with the needs of an ageing population, ultimately contributing to the realization of the overarching goal of ageing with dignity for all senior citizens.

CONCLUSION

One of the main issues facing senior citizens is maintaining their dignity. Because they were thought to be intrinsically less important to society, older people's dignity may be threatened by the mere process of aging. Autonomy, involvement, and independence were essential elements of dignity. In tracing the historical trajectory of senior citizens' rights in India, it becomes evident that the enactment of the Maintenance and Welfare of Senior Citizens Act in 2007 marked a significant milestone. This legislation, aimed at safeguarding the rights and well-being of the elderly, represented a commendable step toward recognizing and addressing the unique challenges faced by this demographic. The subsequent 2019 amendment introduced new provisions, reflecting a commitment to adapting legal frameworks to evolving societal needs. The critical analysis of the 2019 amendment to the Maintenance and Welfare of Senior Citizens Act 2007 reveals multifaceted challenges that warrant urgent attention. The identified issues, including regional disparities, limitations on selling ancestral property for maintenance, procedural deficiencies, and the absence of dedicated laws safeguarding the rights of the elderly, underscore the imperative for a nuanced and comprehensive approach to elderly care and protection. This research sheds light on significant research gaps, emphasizing the need for further investigation and policy refinement. Addressing these issues in a targeted manner is essential for ensuring the

holistic well-being and rights protection of senior citizens. Suggested reforms should prioritize a more inclusive and regionally tailored legislative landscape, offering a more robust foundation for the rights and welfare of senior citizens in India. A more inclusive legal framework that transcends regional variations and explicitly caters to the diverse needs of the elderly is recommended. Moreover, crafting legislation that specifically addresses the intricacies of parental custodianship over ancestral property and rectifying procedural deficiencies will contribute to a more effective and equitable legal landscape for our senior citizens. Elderly people in particular should be seen as contributing members of their communities rather than only as beneficiaries of social security.

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STUDY ON DOMESTIC ABUSE AND VIOLENCE AGAINST THE ELDERLY IN INDIA

By Varada Hawaldar^{36*}

ABSTRACT:

The issue of domestic violence has long existed in India's society. While it impacts people of all age groups, domestic violence against the elderly is often overlooked. Like women and children, elderly people are also a vulnerable group in society. This becomes more concerning since they form a significant portion of the total population of the country. The abuse ranges from physical and mental problems to financial exploitation and elderly neglect. Despite the existence of evidence showing the growing issue of domestic abuse against older people, not sufficient intervention has been made to prevent it. There have been several cases filed in the courts across India, with judgments mandating the protection and care of the elderly. However, these precedents have not proven to be effective in combating the issue of elderly domestic violence and abuse. There have been multiple surveys and studies conducted to show and report the violence and abuse faced by the elderly, often by their family members and, in some cases, by people outside the family. While there are a large number of cases of domestic violence among the elderly, the existing legal provisions that are in place to deal with such matters are not sufficient.

This paper analyzes the issue of elderly abuse, the causes, relevant legal protection granted, and the possible reasons for low rates of reporting in such cases. The author relies upon important judgments passed by courts, the existing provisions in various legislations that protect the rights of

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the elderly, and the data collected through various studies and surveys.

Keywords: *Domestic Abuse, Elderly Neglect, Older Adults, Violence*

INTRODUCTION:

A layman's understanding of 'domestic violence' or 'abuse' refers to the physical or sexual assault by a partner in an intimate relationship. However, this term has a broader definition. As per the United Nations, it implies an action pattern in any kind of relationship that aims to gain or maintain control over a close companion. It is important to recognize the fact that this definition is not limited only to that of a romantic relationship, but can also extend to other familial relationships.

The issue of domestic violence in India is not new. It is an evil that continues to impair society. While India has laid down the laws for the safeguarding of women against domestic abuse, it limits the scope of protection granted. Research and data show that there has been an increasing trend of abuse against the elderly. The scope of the Domestic Violence Against Women Act, of 2005 grants protection to women specifically, and extends to elderly women in various other familial relationships. However, there is no such protection that is granted to elderly men. This leaves a large group of society unprotected and vulnerable, making them easy victims of domestic violence and abuse.

While it may be argued that there exist various judicial pronouncements, and laws that ensure the financial security of the elderly, what has been forgotten is that domestic violence and abuse can also manifest themselves in other forms such as physical abuse, emotional neglect, mental harassment, etc. These are aspects that are not looked into, and no protection exists against such acts.

The elderly population in India has seen a surge in recent years. According to a study, there has been an increase in the elderly population from 5.6% in 1961 to 8.6% in 2011 (*Ministry of Statistics and Programme Implementation 2016*). There have been various other jurisdiction-specific, and population-particular studies that also show an increase in the elderly population. As per a study conducted in 2014, the issue of domestic violence increased from 23% in the previous year, to 50% in 2014. (*HelpAge India, 2014*).

This is an issue that has gained global recognition. In 2017, one in six adults over the age of 60 experienced abuse of some kind, making up 141 million people worldwide. (United Nations, 2020). The issue of elderly abuse is viewed as a violation of basic human rights. (*United Nations, 2020*).

In a study conducted by the UNFPA, it was found that after turning 60, 11.7% of these older persons reported having suffered abuse of some kind. Verbal abuse was the most common (10.2%), followed by financial abuse (5.4%), physical abuse (5.3%), neglect (5.2%), and disrespect (6%) (*UNFPA, 2012*).

There exists a gender dynamic when it comes to elderly abuse. A study showed that 53% of women reported being a victim of domestic violence, whereas for men, 48% of the sample reported the same. (*HelpAge India, 2014*). There also exists a gender contrast concerning the perpetrators of such abuse. The main perpetrators of abuse against men were outsiders, whereas, for women, it was members of the family. (*UNFPA, 2012*).

The paper examines the problem of elder abuse in India, its likely causes, the protections that are now in place, and the reasons that the reporting rate is so low.

RESEARCH METHODOLOGY:

This paper attempts to understand the issue of domestic abuse against the elderly in India. There have been various

studies and research conducted to understand the growing trend and issue of elderly abuse, both in an international forum and within India. The author relies on these studies and findings and has adopted a doctrinal methodology.

It is qualitative data research. Reliance is laid upon the existing findings, resources, and data. This paper will also dwell on various legislations, and judicial pronouncements that are in favor of the protection of the elderly against abuse.

LAWS, POLICIES, AND JUDICIAL PRONOUNCEMENTS:

There exist various legislations, and legal provisions that grant protection to the elderly up to a certain degree. Although the Indian Constitution's Part III grants them constitutional protections such as the rights to equality under Article 14, the right to life and liberty under Article 21, and the prohibition against discrimination under Article 15, some laws have been passed expressly for the protection and welfare of the elderly.

- ***Hindu Adoption and Maintenance Act, 1956***

The concept of Maintenance among Hindus is governed by the 1956 Hindu Adoption and Maintenance Act. Although its main focus is adoption, it also protects the elderly inadvertently by highlighting adult children's responsibility to care for their elderly parents. The Act places a legal obligation under Section 20 on both the sons and daughters to maintain their parents.

- ***Maintenance and Welfare of Parents Act, 2007***

The Maintenance and Welfare of Parents Act, 2007 compels adult children to support and care for their elderly parents financially, protecting their rights in India. When a parent is ignored or abandoned, the act gives them the right to request maintenance. It recognizes older adults' right to a dignified existence and aims to protect their well-being. The legal obligation of this legislation extends to the grandchildren and

close relatives. It also extends protection to the property of the elderly.

- ***Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019***

The 2019 Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill suggested modifications to improve the well-being of senior citizens in India. It aimed to expand who may provide elder care, simplify dispute resolution processes, and make maintenance claim processes smoother. The bill reflected an evolving legal landscape that is responsive to the changing demands of an aging population and sought to strengthen legal safeguards for the aged, assuring their protection and well-being.

- ***Domestic Violence Against Women Act, 2015***

Domestic violence in India is defined in Section 3 of the Protection of Women from Domestic Violence Act, 2005. This section states that any act, commission, omission, or conduct by an individual that causes harm to their health or safety, whether physically or mentally, is considered domestic violence. Domestic violence also encompasses any harm, harassment, or injury done to a person or to anybody connected to that person to comply with an illegal demand. This Act extends also to elderly women and provides the same protection to them.

Along with these legal provisions, there are various policies that the government has introduced for the same cause.

National Policies:

The government, in an initiative to protect and promote the welfare of senior citizens, has initiated various policies. These include:

- ***National Policy for Older People, 1999***

To better the lives of senior citizens in society, the Ministry of Social Justice and Empowerment

introduced the Policy in 1999. Article 41 of the Constitution, which mandates that the state pay for the welfare of the aged, served as the impetus for the creation of this program. Seniors are to be reassured by the National Policy that their concerns are national and will not be disregarded, ignored, or subjected to unjust treatment. It promotes senior-friendly surroundings, geriatric healthcare facilities, and pension benefits with an emphasis on healthcare, financial security, and social integration. This policy underscores the need for intergenerational bonding and emphasizes the role of families and communities in elder care.

- ***Indira Gandhi National Old Age Pension Scheme***

The Indira Gandhi National Old Age Pension Scheme (IGNOAPS) was launched by the Indian Ministry of Rural Development in 2007 as part of the National Social Assistance Programme (NSAP). Through this system, central aid was offered to individuals over 60 and those over 80 who come from homes below the poverty line, with pensions of Rs. 200 and Rs. 500 per month, respectively. Senior citizens are entitled to benefits from the State Government as well. In light of this, the State Government of Maharashtra offers Rs. 400 to qualified individuals under the Shravanbal Seva Rajya Nivruttivetan Yojana.

Judicial Pronouncements:

The courts have, in various cases, acknowledged and upheld the protection and welfare of senior citizens.

The court decided in the case of ***Santosh Surendra Patil vs. Surendra Narasgopnda Patil*** that it is a person's legal duty to take care of and support their parents.

Furthermore, the Delhi High Court ruled in ***Sunny Paul and Anr. v. State of NCT and Ors.*** that children who abuse their parents while living with them may be asked to leave the

house. "Parents can evict their abusive adult children as long as they are the legal owners of the property," the judge stated. An older adult could report abusive children to district authorities in Delhi under laws passed in 2009, but only if the youngsters were evicted from a property they had self-acquired.

The Supreme Court in *Vijaya Manohar Arbat v. Kashi Rao RajaramSawai and Anr.*, rightly stated that if a daughter can maintain her parents, who do not have a son, then such obligation is placed on her. It also extends to stepmothers.

RATES OF ELDERLY ABUSE IN INDIA:

As per a study conducted, 5.22% of the elderly population reported having faced abuse. (Priya Maurya et. al., 2022).

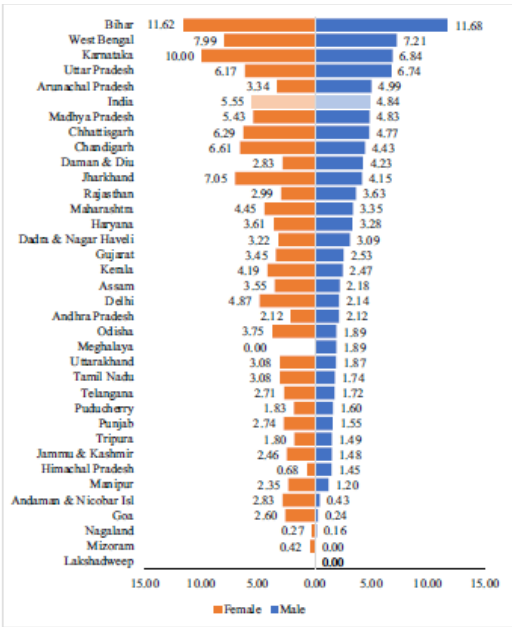


Fig: Elder Abuse in the States of India (%)

Source: Understanding Elder Abuse in India: Contributing Factors and Policy Suggestions, 2022

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In a study conducted by HelpAge India and published as ‘Understanding Elder Abuse in India: Contributing Factors and Policy Suggestions, 2022’, approximately 5.22% of older adults nationwide disclosed experiencing abuse. Shockingly, Bihar recorded the highest elder abuse rate at 11.65%, closely followed by Karnataka at 10.11%. Notably, gender differences were apparent, with one in ten women facing abuse in Karnataka compared to 6.8% of men. Surprisingly, northeastern states, except Arunachal Pradesh, reported lower elder abuse rates than the national average. In Kerala, housing the highest percentage of older adults, approximately 3.82% faced abuse, notably higher among women. These statistics, sourced from the Registrar General of India (2011), highlight concerns about variations in elder abuse across regions and demographics.

In another study conducted by HelpAge India, 25% of the population at a national level agreed to have been victims of elder abuse. (HelpAge India, 2018).

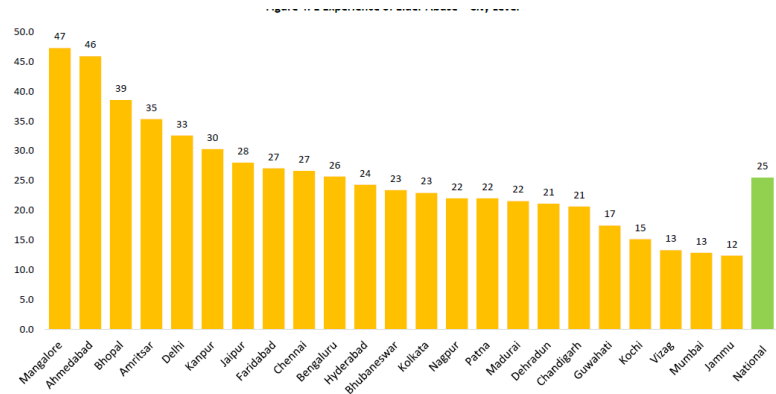


Fig: Experience of Elder Abuse

Source: Elder Abuse in India, 2018, HelpAge India Report

25% of seniors nationwide have admitted to having experienced elder abuse at some point. Comparing male and female elders about city tier-wise trends, there was hardly any difference. In Mangalore, Ahmedabad, Bhopal,

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Amritsar, Delhi, and Kanpur, the highest number of reports of elder abuse were. In Guwahati, Kochi, Vizag, Mumbai, Jammu, and Vizag, people were less concerned.

Studies and research have also shown that elderly abuse manifests itself in different forms.

Forms of Abuse:

In a study published in BMC, it was found that approximately 11 percent of older individuals have faced some kind of mistreatment post-60. It is observed that women encounter higher rates of most abuse types compared to men, excluding physical violence, experienced by about 4 percent. Verbal abuse emerges as a significant concern, affecting approximately 10 percent of the elderly. There's a possibility that verbal mistreatment might be a key means for coercive actions related to property or money transactions within the family. The percentage of cases of other abuse, such as financial exploitation, disdain, and neglect, is approximately 5%. Alarming, the primary perpetrators tend to be family members.

Type of abuse	Men	Women	Percent of victims abused by family members
Physical	4.6	4.0	66.7
Verbal	9.7	10.7	68.0
Economic	5.1	5.7	68.3
Disrespect	5.3	6.6	55.9
Neglect	4.2	6.0	65.2
Ever experienced	11.0	11.7	NA

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abuse			
Current experience of abuse	5.2	6.2	
No. of elderly	4,635	5,144	

Fig: Percentage experiencing different forms of abuse after turning 60 years of age, India, 2011

Source: Abuse against elderly- Role of Education.

In another study conducted, the manifestation of elderly abuse in different forms was reiterated.

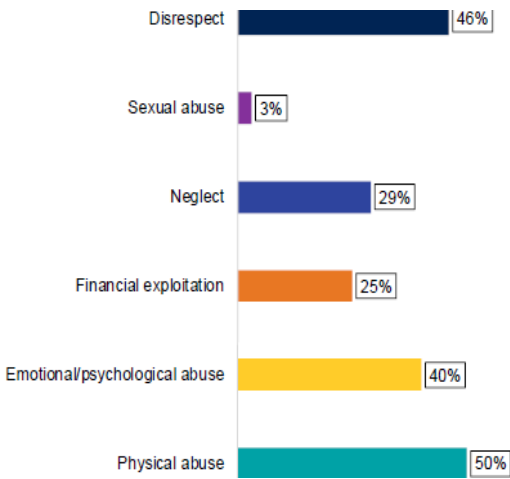


Fig: Types of abuse faced by elderly (%)

Source: Women & Ageing: Invisible or Empowered? HelpAge India report

AWARENESS AMONG THE ELDERLY:

A main issue that stands while trying to combat elderly abuse, is the lack of awareness regarding redressal mechanisms. In a study conducted by HelpAge India, it was found that 46.3% of the elderly population were unaware of

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any kind of redressal mechanism available to them. (HelpAge India, 2022)

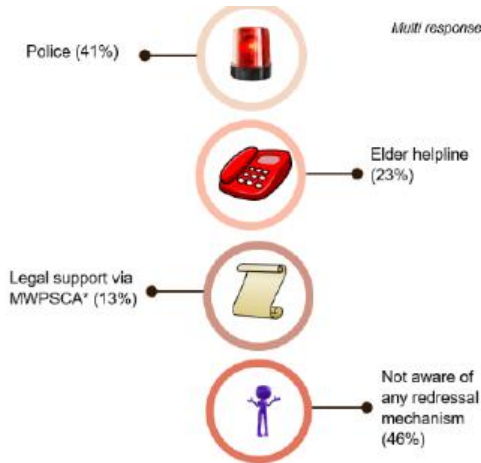


Fig: Awareness of redress mechanism in case of abuse

Women & Ageing: Invisible or Empowered? HelpAge India report

In another study, it was further emphasized that the elderly lacked the awareness of redressal, and means to claim the protection granted to them.

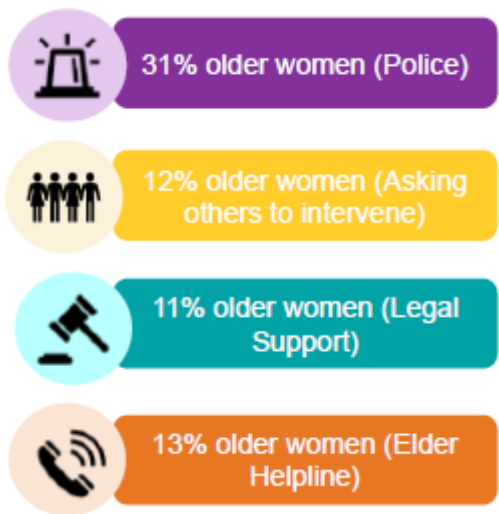


Fig: Awareness of Redressal Mechanism (%)

*Source: Women & Ageing: Invisible or Empowered?
HelpAge India report*

Research findings indicate that older individuals possess only moderate awareness regarding the benefits and provisions designed for their well-being. This lack of awareness affects their ability to identify and respond to abuse effectively. In our study, we found that nearly 60% of older women in the sample are not aware of the available redressal mechanisms. Among those who are aware, the most commonly recognized avenue for seeking redress is the police, acknowledged by 30% of the respondents. This suggests a significant need for increased awareness and education about support mechanisms for the elderly.

ANALYSIS OF THE CURRENT SCENARIO:

It can be seen and understood that there exist many loopholes in the understanding of elderly abuse, and the approach opted by the government to rectify it.

According to the studies, even among those who are somewhat aware, they name the police as the most widely used redressal option. Law enforcement is important, but depending just on them could point to a structural breakdown in the availability of specialized and easily accessible support networks. The elderly should not be afraid to ask for help from other sources, such as support groups, legal aid, and dedicated hotlines.

Further, the existing framework does not provide adequate protection. It only focuses on financial exploitation, and pays no heed to the other forms of abuse faced by the elderly. While elderly women may claim protection against other forms of abuse under the Domestic Violence Act, it does not extend to elderly men, leaving them unprotected and vulnerable.

Even the schemes that have been initiated by the government are inadequate, and in practicality, serve no purpose towards the welfare and protection of the elderly.

CONCLUSION:

This study looks at the issue of domestic abuse against the elderly in the current scenario and highlights the drawbacks of the measures adopted to rectify it. It is suggested that while understanding the problem of elderly abuse, it must be looked at from a gender-neutral perspective. The elderly are a vulnerable group, irrespective of gender, and the protection awarded to them must be gender-neutral. Further, the protection awarded must encompass all forms of abuse and must have a direct intervention. It must be sufficient to ensure the adequate safety of the elderly.

Further, there is a growing need to increase awareness among the elderly with regards to the protection available to them, and the means of claiming such protection. There is still a lot of work that is to be done to ensure that the elderly are not made victim of gross abuse and violation of their rights.

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CORPORATE SOCIAL RESPONSIBILITY AND THE SILVER GENERATION: A CORPORATE COMMITMENT TO ELDERLY CARE

By Ananya Sinha^{37} and Somesh Sankhala^{38*}*

ABSTRACT

The recent years have seen a drastic change in the protection of elderly people worldwide, due to the demographic transition process, which involves growth in the ageing population and its foreseeable consequences. The high dynamics and unpredictability of changes taking place in the modern economy call for efficient corporate Social Responsibility programmes for the silver generation, which currently forms the majority of the population due to the global shift in demographic transformation. Ageing will affect every aspect of business operation, indicating that corporate leaders need to invest time and resources towards building a more decisive plan as part of their corporate responsibility, including the structure of compensation and benefits.

The impact of the ageing population signifies an opportunity for companies to contribute their resources towards developing an effective Corporate Social Responsibility (CSR) policy, which would give them an edge over others. The 'ageing effect' will affect every business house in terms of their products, services, and crucially, innovation. The policy should showcase their dedication and commitment towards elderly persons. This article aims to highlight the necessary actions that companies should take in this regard,

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and their CSR policies, which aim at creating a more inclusive diaspora. The commitment should be such that companies are carefully using their abilities for emotional stability, complex problem-solving skills, and nuanced thinking to bring about a policy that aims at utilizing these skills for societal well-being. Transformation will not be easy in this regard as traditional retirement benefits provided to elderly persons have been a notion for the longest time, but companies should aim to move past these preconceptions. This calls for a commitment to adapt and respond to changing demographics and generate new possibilities for change for the silver generation.

Keywords: *Demographic transition, Corporate Social Responsibility (CSR), Ageing population, Innovation, and Inclusive diaspora.*

INTRODUCTION

"Our nation has been a land of culture, value & ethics. It is the land of the legendary *Shravan Kumar* who sacrificed his life for his blind parents. The traditional norms and values of Indian society emphasize the duty of taking care of elders. In our traditional society, duties of children towards one's parent were considered as a debt owed to them." (*Chhavinath v. State of UP and 7 others*, 2023) This statement reflects the idea of "*filial Piety*" in high regard, it is an idea that is followed in many Asian cultures, according to this it is assumed that it is an obligation of children to take care of their parents and grandparents when they grow old and to treat them with honour and respect. (*Cambridge University Press, n.d.*) But is it really the case now? or has family dynamics changed in India from what it used to be?

With a rapidly increasing population in the world and India being the most populated country in the world, the struggle to survive and stay employed in this country is as hard as it can be. According to the recent labour force survey, the unemployment rate in India was 5.8% in rural areas and

6.6% in urban areas, as of April-June, 2023. (*Ministry of statistics and programme implementation, 2023*) This goes to show how uncertain and precarious the unemployment situation really is in India. India is predominantly an “agrarian country”, with 3/5th of its population still living in rural areas and being dependent on the family business for their survival. Family is the paramount support for the citizens of India in their older age. In a joint family, all the co-residing members act as their financial, emotional and social pillars in their time of need. But with the outmigration of young adults especially from rural areas, the concept of individualism and small nuclear family has had a significant impact on the life of the aged. (*Preeti Dhillon, 2016*)

Further, this study shows that not only this but also, an increase in the number of working women population, low fertility rates, high divorce rates and increase in the number of age at which people usually were married etc. are a few other factors that have lead to increase in number of nuclear households and a decrease in a number of caregivers and supporters for the elder households. These are the reasons why the proportion of Indian nuclear families had increased from 55% (1992-1993) to 64% (2005-06). Even now the millennials of this generation are living in nuclear families or aspire to become nuclear soon. Moreover, data from the National Sample Survey (NSS) reveals that in this country, over 50% of the elderly population is married, while 45% - predominantly women - are widowed. Of these widowed individuals, 80% reside with their children, and only 40% live either independently or with their unmarried children. This data suggests a rapid increase in the number of nuclear and individual households in India, leading to a potential deficit in caregiving support for the older generation. While adults continue to provide financial assistance to their parents, this support is often in the form of remittances rather than cohabitation. (*Ministry of statistics and programme implementation, 2018*)

The aforementioned are the reasons why India faces significant challenges for the elderly, diverging from its traditional image as a land of 'Shravan Kumar'. When financial pressures become overwhelming, individuals often resort to cost-cutting measures. Regrettably, this can result in the marginalization of older family members, who may be perceived as burdensome. This unfortunate circumstance leaves them in a vulnerable position, grappling with feelings of abandonment and distress. This is where the corporates come in, most of the working people spend the maximum amount of their time in their office cubicles serving the corporations, so in the end when they retire corporations should also take care of them.

Corporations should draw inspiration from the principle of *filial piety*, rather than using it as a justification to diminish their obligations. Implementing this strategy will foster an organizational ethos that appreciates and respects individuals of all age demographics. Furthermore, it will significantly contribute to the evolution of a society that is characterized by empathy and inclusivity. Empirical research supports this perspective, indicating that individuals from the older generation tend to prioritize emotionally significant objectives and maintain closer relationships within a smaller social network. (Hemant Ahlawat, 2023) Furthermore, the Socio-economic selective theory suggests that the impact of "CSR" is more pronounced on older employees. This is attributed to the fact that "CSR" initiatives cater to those requirements and goals that gain prominence when individuals perceive their future time as finite. Ultimately, these CSR initiatives enhance job satisfaction by fulfilling individuals' desire to contribute to a meaningful cause and be part of a larger social entity with a positive identity.

THE AGEING EFFECT ON BUSINESS OPERATIONS

There is a growing consensus that a demographic shift, often referred to as the 'Silver Tsunami', is on the horizon globally. As of 2022, the global population included 1.1

billion individuals aged 60 or older, representing “13.9% of the total population of 7.9 billion”. This trend is underscored by projections indicating that the dependency ratio in India is expected to rise from 10.5% in 2022 to 20.8% by 2050. (India G. o., 2023) The prospect of a significant increase in the number of individuals who are unwell, neglected, isolated, in need, and cognitively impaired presents a daunting picture. Such a demographic shift could potentially slow business growth, decrease productivity, and exacerbate the federal deficit. In light of these facts, the ‘*ageing effect*’ can be conceptualized as the impact of the demographic transition from a predominantly younger to an older population on various societal aspects, including economic growth, public expenditure, health, and social cohesion. (Irving, 2018)

This picture however is not fully accurate and creates bias in the workplace based on the age of the people. According to a Stanford longevity report Workers in their sixties, today possess many valuable qualities that make them an asset to any organization. These individuals are in good health, possess a wealth of experience, and derive satisfaction from their work. They exhibit a robust work ethic and demonstrate unwavering loyalty to their employers. Their motivation, knowledge, and social skills are commendable. They prioritize making significant contributions over personal advancement. They promote social unity and facilitate the exchange of information within their teams and throughout the organization. (Irving, 2018) Moreover, a study by the “McKinsey Health Institute” reveals that the global silver generation concurs on the significance of possessing a purpose, “*effectively managing stress, fostering meaningful relationships with others, and maintaining autonomy.*” (Hemant Ahlawat, 2023) Further, their analysis has identified, “*purpose, stress management, physical activity, lifelong learning, meaningful relationships, and financial security*” as the key factors associated with the current silver generation. This suggests that the so-called “*Silver Tsunami*” may not be as detrimental as corporations perceive

it to be, provided it is managed with due care and consideration.

In response to this impending demographic shift, numerous governments are currently considering measures such as increasing the retirement age and implementing incentives and mandates to enhance private savings. Nations such as “Australia, Canada, Germany, the United Kingdom, and the United States”, among others, have either embarked on these initiatives or have, at the very least, expressed their intention to do so. These factors suggest that in the developed world, there could eventually be a decline in investment demand coupled with an increased propensity to save at any given interest rate. In this new equilibrium, interest rates would likely be lower. (*The Boston Consulting Group, 2011*)

To effectively combat age discrimination and mitigate its potential impact on the global economy, proactive measures must be taken by corporations. These could include assigning older individuals to roles that allow them to leverage their expertise, providing accommodations for flexible work arrangements, ensuring pay equity based on job and level rather than tenure, and incorporating age diversity into Diversity, Equity, and Inclusion (DEI) programs. Furthermore, older workers could be given managerial, supervisory, and mentorship roles. Recruitment of older individuals should be encouraged, and recruiters should be trained to avoid age discrimination. By implementing these strategies, companies can foster an inclusive environment that values the contributions of all employees, regardless of age. (*Chamorro-Premuzic, 2019*)

CSR POLICIES FOR ELDERLY CARE

Corporate Social Responsibility (CSR) can be defined as the principle that a company should be actively engaged in aiding society and the environment, in addition to being mindful of the products it produces and the profits it generates. (*Cambridge University Press, n.d.*) While there is no universally accepted definition of CSR, it is widely

agreed that CSR involves a holistic approach. This approach is integrated with the core business strategy to alleviate the social and environmental impacts of businesses. CSR extends beyond the company's shareholders; it necessitates the consideration of the welfare of all stakeholders. Although philanthropic endeavours are a component of CSR, it is a broader concept that encompasses a wider range of activities. These activities provide strategic business advantages and are integral to the overall CSR framework. (*pwc, 2013*)

In the realm of elder care, the CSR initiatives of Tata Trusts and the "National Stock Exchange Foundation" (NSEF) have been comprehensive and cohesive, thereby serving as instructive case studies for other corporate entities. In this context, it is noteworthy to mention the work of Age Ventures India. They encourage corporations to adopt care homes, nursing homes, retirement homes, and daycare centers as part of their CSR objectives. They assist in establishing policies and procedures for Human Resources services, including Health and Safety, Training, Personnel and Equalities. Moreover, they assist in developing activities, hobbies and engagement of the residents to ensure a healthy and mentally stimulating atmosphere in the Senior Living Communities. (*Age Ventures India*) These initiatives not only contribute to the welfare of the elderly but also align with the broader objectives of CSR, thereby creating a win-win situation for all stakeholders involved.

Further, in 2017, Tata Trusts initiated an intervention aimed at improving the life quality of the elderly. This involved two strategies: (a) the development of models to deliver services to the elderly in urban and rural areas through government schemes and activity centers promoting healthy ageing, and (b) the establishment of a centralized response system (helpline) equipped with a backend data structure to aid callers. These initiatives, along with niche programmes such as storytelling, digital literacy, and health camps, showcased the process of addressing the needs of the elderly in urban and rural areas, with the potential for scaling up through

collaboration with other CSRs and state governments. (*India G. o.*, 2023)

Conversely, the National Stock Exchange Foundation (NSEF) employs a transformative strategy towards elder care that is strategic, participatory, rooted in evidence, localized, and impact-oriented. Their model, ‘Empowerment of the elderly by the elderly’, represents a continuous journey to empowerment, indicating that elders are empowered when they are socially included, have access to improved healthcare, and attain financial independence. (*India G. o.*, 2023) The model fosters the growth of local institutions that function as centers for the dissemination of knowledge, production, and commerce, effectively addressing their concerns related to care, social unity, health inclusion, and economic stability.

It is imperative that high-profit companies in India draw inspiration from these commendable initiatives and implement similar CSR strategies for elder care. Furthermore, the McKinsey Health Institute proposes six transformative shifts that companies can adopt to foster healthy ageing in their work environment. These encompass investing in the advancement of healthy ageing, improving health metrics and data gathering, expanding interventions that promote healthy ageing, accelerating innovation within the healthy ageing ecosystem, leveraging the potential of all industries to advocate for healthy ageing, and enabling older adults to achieve their maximum potential. By embracing these strategies, companies can contribute significantly to the well-being of the elderly population. (*Institute*, 2022)

AN ANALYSIS OF THE EXISTING CORPORATE SOCIAL RESPONSIBILITY LAWS GOVERNING THE ELDERLY CARE IN INDIA

The existing CSR laws, which govern elderly care in India have seen a remarkable demographic transition process. The recent amendment in “*the Companies (Corporate Social Responsibility Policy) Amendment Rules 2021*”, which

amended “*the Companies (Corporate Social Responsibility Policy) Rules 2014*”. The amended rules have put a glaring and stark alteration from the previous position of the companies regarding their CSR policies towards elderly persons. The prevailing regulations mandate companies to engage in CSR activities and allocate at least 2% of their average net profit from the immediate preceding three fiscal years towards CSR initiatives. This provision enables companies to conduct a thorough impact assessment of large-scale programs and initiatives they undertake. The revised rules stipulate the formation of a CSR committee to oversee the company's commitments to its CSR policies. The amendment eliminated the unnecessary stipulations outlined in “Rule 3(2)” concerning CSR expenditure and other compliances, even when the company is no longer within the thresholds under “Section 135(1) of the Companies Act, 2013” (*Act, Section 135, 2013*). “The Companies Act, 2013”, under “Section 135 (3) (a)”, mandates the establishment of a board responsible for overseeing the implementation of CSR activities in the areas specified under “Schedule VII of the Act”. (*pwc, 2013*) The Act specifically states in its Schedule, for the establishment of adequate CSR policies for the elderly in compliance with “Section 135 of the Companies Act, 2013”.

The existing rules and the act govern the CSR of the companies in compliance with the provisions. The Government has also undertaken several elderly care initiatives to implement the CSR policies effectively. The Government has taken effective steps to channel the CSR funds for elderly care. The schemes in relation to enhancing the livelihood and skills of elderly citizens have been promoted by the government at a large scale in recent years. The Senior Able Citizens for Re-Employment in Dignity (SACRED) scheme under which a portal especially designed for job and work opportunities (*India G. o., 2022*). The Action Groups Aimed at Social Reconstruction (AGRASR) scheme, aims at creating self-care groups for elderly people. These schemes implemented by the government in recent

years have aimed at promoting a silver economy and channelizing the CSR funds for elderly care more adequately (*Kadiyan, 2022*). Research indicates that CSR initiatives that concentrate on stakeholders who are psychologically proximate to the respective employees may be perceived as particularly beneficial to older employees. CSR initiatives that centre on employees, customers, or the government tend to focus on stakeholders who are deemed close to the CSR activities that concentrate more on abstract entities such as future generations or the environment. The relevant provisions of the laws and the schemes of the government should aim at creating an effective CSR policy, which will give the companies an edge over the others in the competition. The equivalent efforts of the government at the same time will give them a good opportunity to showcase their dedication and commitment towards elderly care and it helps in building a more conducive environment in implementing reforms for the silver generation.

THE GOVERNMENT ROLE TOWARDS THE CORPORATE SOCIAL RESPONSIBILITY IN INDIA

The Government in the year 2009 through the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, which were introduced by the Ministry of Corporate Affairs (MCA), and the guidelines served to become the amendment to the Companies Bill, 2011, which aimed at boosting CSR activities in India (*Kadiyan, 2022*).

The Government as “Section 135 of the Companies Act, 2013”, “CSR Rules, 2022”, and “Schedule VII of the Companies Act, 2013” (*Act, Schedule VII, 2013*), later approved the amendment. It created a mandate for certain companies to move towards creating positive social and national development by creating CSR policies, which showcased their responsibility towards society and business operations at the same time. The Government has put in quite effective efforts towards having more inclusive

economic growth. It has given immense efforts towards creating an environment where social development could take place with the efforts of localizing sustainable development goals with the NITI Aayog's 2021 agenda, which advocated for adopting sustainable development goals with the sustained development 2030 Agenda 2030. These constant efforts made by the government aim to link sustainable developmental goals with CSR programmes accompanied by state-sponsored schemes.

These steps prove to be an efficient role as CSR plays an effective role to work along the lines of SDGs as they focus on the aspect of social performance which is an essential goal in the CSR projects of the organisation. The inception of the CSR rules in India created a revolutionary impact as a lot of companies went on to concrete their CSR programmes. The CSR activities have been amended several times since then, which has led to insertions in the list of activities in "Schedule VII of Section 135 of the Companies Act, 2013". The reports published by the MCA, KPMG, Goldman Sachs, etc. indicate a robust framework of implementation of the CSR policies at the ground level and showcase that CSR is accelerating at a fast pace and has started making a firm place in the business policies formulated by the Indian corporations.

Apart from "the Companies Act, 2013", several other laws at the same time govern the CSR activities in India. The Securities and Exchange Board of India (SEBI) mandates that companies listed on the stock exchange must produce a Business Responsibility and Sustainability Report (BRSR), which aims to outline the CSR activities of the companies. There has been increased accountability and transparency from the amendment of the rules in the year 2022, which has mandated an annual report, which should include all the information in, regards to the CSR policy of the companies. The Government through its schemes, initiatives and legal framework tries to create efficient CSR policies for the organisation.

**THE INDIAN AGEING REPORT, 2023: A GLANCE INTO THE
CORPORATE SOCIAL RESPONSIBILITY AND WELFARE
STRATEGIES IMPLEMENTED BY THE CORPORATE SECTOR**

India has experienced a substantial demographic shift in recent years, which has unequivocally indicated a notable increase in the ageing population and its predictable repercussions. This demographic transformation is profoundly impacting India and will inevitably influence the operations of corporate entities as well. Ageing will affect every facet of business operations, encompassing talent acquisition, the configuration of compensation and benefits, the development of products and services, and even the work structure. These effects call for immediate action by the corporate houses to take necessary steps to make effective corporate policies and see through a robust implementation mechanism by such business houses. The CSR policies in this regard can be transformed in their dividend structure, generating new policies for better financial returns and better pension schemes towards the elderly workforce. The Indian Ageing Report, 2023 seems to indicate the same demographic transition, which is occurring in India and the response of the corporate houses in this regard (*India G. o., 2023*).

The report seems to highlight the ‘ageing effect’, which is grasping the older Indian workforce (*Irving, 2018*). The report showcases the utilisation of the CSR funds by the corporate houses towards the benefit of the older population. The report brings forward the framework adopted by corporate firms in the effective utilisation of CSR funds. According to the report, the CSR spending from 2014 to 2021 has seen a tremendous rise with a whopping 182 percent in the last seven areas. In the year 2014, the CSR spending on senior citizen’s welfare (SCW) remained to be about less than 0.3 per cent, despite growth of 516 per cent, from Rupees 89 million to Rupees 551 million in the last seven years (*India G. o., 2023*). This is a stark shift from the earlier notion of the corporate sector towards the CSR

policies and it indicates a greater attention towards the SCW. The 2022 amendment to “Schedule VII of the Companies Act, 2013”, has broadened the horizon and instilled a sense of hope among the elderly citizens, as they can anticipate enhanced financial and technical support from the corporate sector.

The sharp increase in the ageing population in an agriculture-dependent country points towards a greater amount of dedication towards CSR policies. NSEF and Tata Trusts have contributed jointly towards the cause along with the Ministry of Social Justice to scale up the National Elder Help Line across the states in India (*Institute, 2022*). This effort is a holistic and quite multidimensional approach towards the given CSR policies and schemes by the corporate houses. The contributory efforts of both organisations under different aspects related to the enhancement of elderly welfare have brought forward great changes across the entire silver generation. The crisis of the “ageing effect” can be utilised best in favour of the corporate houses if effective changes are implemented and a proper framework is followed in this regard (*Irving, 2018*).

WAY FORWARD

In conclusion, the current landscape suggests a strong commitment towards CSR policies and initiatives by corporate entities. The immediate requirement is comprehensive adherence to the provisions of “the Companies Act, 2013”, ensuring enhanced transparency and accountability from both companies and the government. Corporations should strive to foster a more inclusive environment at the workplace with improved CSR policies targeting the older generation. Effective utilization of their complex problem-solving abilities and emotional stability can bring about significant change.

The traditional benefits extended to the older generation need to be reimagined with transformative schemes and

policies, demonstrating increased care and attention. This shift could provide companies with a competitive edge, enabling them to adapt to the changing demographics and potentially increase profits through internal management transformations. Companies engaging in CSR policies have a positive impact on employee attitudes. Studies indicate higher satisfaction levels among the older generation compared to the younger generation in response to CSR policies. These policies address their emotional needs and goals, which are often prioritized as future time perspective decreases (*Barbara Wisse, 2018*).

Companies should aim to develop CSR policies that benefit the older generation, calling for a new compensation structure for elderly care (*Barbara Wisse, 2018*). Internal management changes should be made to create a more inclusive environment for the older generation, providing them with a sense of financial and social security. Companies should also aim to incorporate schemes that utilize their effective emotional and professional skills and preserve them by creating suitable roles post-retirement. Corporate leaders need to invest time and resources to develop efficient CSR policies for the older generation, ensuring effective compensation during and after their service. The demographic transition can be leveraged by companies to transform the situation to their advantage and effect meaningful change for the older generation. An effective CSR policy is a crucial measure of employee satisfaction among the older generation across different companies.

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AGING GRACEFULLY WITH TECHNOLOGY LEGAL INSIGHTS FOR SENIOR CARE

By Komal Kumari^{39*} and C I Joseph^{40*}

ABSTRACT

The aging global population presents a growing challenge for healthcare systems, necessitating innovative solutions to ensure the well-being of senior citizens. This study, titled "Aging Gracefully with Technology: Legal Insights for Senior Care," delves into the transformative impact of technology on the care and welfare of senior citizens. Focusing on legal aspects, the research explores how advancements in technology are reshaping the landscape of elderly care, promoting independence, enhancing healthcare services, and fostering social connectivity among seniors. (Columbia Pacific Communities, 2022). The paper reviews various technological interventions, including assistive devices, telemedicine, wearable health monitoring systems, and smart home technologies, which empower seniors to maintain their autonomy and live comfortably in their own homes. Additionally, the study examines the legal frameworks governing data privacy, healthcare regulations, and accessibility standards to ensure the ethical and secure implementation of these technologies.

By understanding the legal implications and leveraging technology responsibly, societies can embrace the concept of "aging gracefully with technology," ensuring a dignified and enhanced quality of life for the elderly population. Through an examination of relevant laws and regulations, this research aims to provide insights into the current state of

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technology in senior care, potential legal hurdles, and recommendations for a more comprehensive legal framework to support the use of technology in the care and welfare of senior citizens.

Keywords:- Senior citizen, Technology, Welfare, Legal, Digital, Health, Challenges, Awareness, Elderly.

INTRODUCTION

As the world's population ages, meeting the changing requirements of the elderly has become a top priority for healthcare systems everywhere. This requirement has caused a wave of creative solutions, most notably the incorporation of technology, to protect the autonomy and well-being of senior citizens. (MAHB, 2023) This research study, "Aging Gracefully with Technology: Legal Insights for Senior Care," explores the significant influence of technology on senior care while paying close attention to the legal factors influencing this paradigm change. Examining how different interventions, such as assistive devices, telemedicine, and smart home technologies, are changing the senior care landscape, promoting independence, enhancing healthcare services, and fostering social connectivity among older adults, this research explores the transformative potential of technology.

In addition, this article explores the complex legal frameworks that control healthcare laws, data privacy laws, and accessibility guidelines to guarantee the moral and safe application of these technologies. (*India Ageing Report, 2023*) The idea of "aging gracefully with technology" can be embraced by society to improve the dignity and quality of life for senior citizens. This can be achieved by navigating the complex regulatory landscape and embracing appropriate technological integration. By thoroughly examining relevant laws and regulations, this study seeks to shed light on the situation of technology in senior care now, foresee future legal issues, and make recommendations for a strong legal

framework that supports seniors' overall well-being. (Cio E., 2024)

Legislation related to Senior Citizens and technology

There are several legislations related to the use of technology in the care and welfare of senior citizens in India. (Times Now News, n.d.) Some of them are:

In India, there is no specific mention of technology in the laws about its usage in senior citizen care and welfare. They do, however, offer a few broad standards and precepts that apply to using technology, like:-

- Access to appropriate and reasonably priced technology that can improve their health and well-being is something that elderly adults are entitled to, according to the National Policy for elderly adults 2011. (Bar & Bench, n.d.)
- Under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, elderly people are entitled to a secure and dignified life, as well as appropriate care and defense from their family members and offspring. (NITI Aayog, 2024)
- Provides material and financial support through the Pradhan Mantri Vaya Vandana Yojana (PMVVY) and the Rashtriya Vayoshri Yojana (RVY).

Therefore, as long as technology respects senior citizens' rights and interests, the laws currently in place in India do not forbid it—rather, they support and encourage its use in the care and welfare of the elderly. (Rajashree K., & Singai, C.,2022) To address the new concerns and difficulties brought about by the quick advancement and development of technology, such as the privacy and protection of personal information, the autonomy, and consent of senior citizens,

the caliber and dependability of technology, and the obligations and liabilities of both technology providers and users, more precise and up-to-date laws may be required.

Technology adoption has had both beneficial and bad effects on senior citizen's quality of life and general well-being in terms of social connection, health monitoring, as well as access to information and services. Among the principal effects are:

- Senior citizens can age in place and stay in touch with their loved ones using digital platforms and gadgets including laptops, cellphones, tablets, social media, video calls, and more thanks to technology. This can lessen their feelings of isolation and loneliness while also enhancing their emotional and mental well-being.
- Technology offers senior folks wearables, sensors, telemedicine, online consultations, and multichannel health care and monitoring systems that are tailored to their specific requirements and preferences. Additionally, this can enhance their physical well-being.
- Technology helps senior citizens become more digitally included and socially integrated by improving their knowledge, accessibility, and use of the internet. This can benefit their independence, self-worth, and general quality of life. Additionally, they can enjoy a variety of infotainment and entertainment options from technology, such as online games, electronic books, podcasts, music, and more, which can enhance their creativity, pleasure, and cognitive capacities. (*The Future of Well-Being in a Tech-Saturated World*, 2022)
- The digital divide and exclusion caused by socioeconomic, educational, and geographic factors, privacy and security concerns regarding personal data

and online transactions, and resistance and hesitation to change and learn new technologies due to fear, anxiety, or lack of motivation, are some of the challenges and barriers that technology also presents to senior citizens. Others include lack of awareness, accessibility, and availability of suitable and user-friendly technologies.

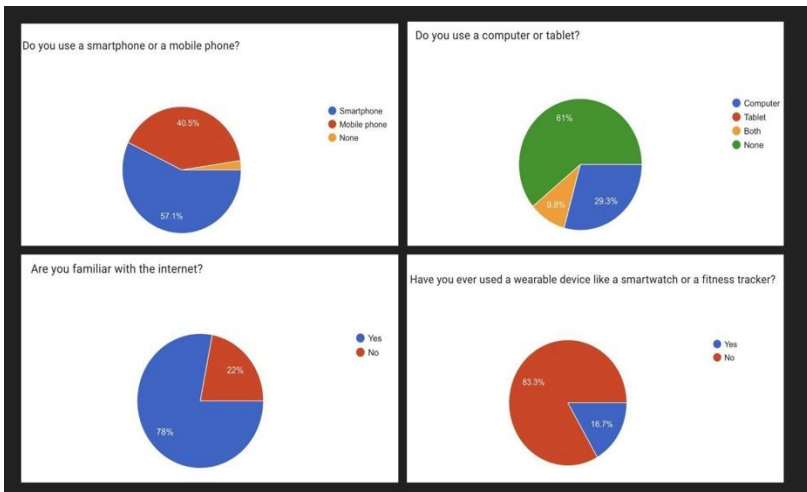
Because of this, it's critical to develop and deploy technologies for older citizens that are in line with their requirements, interests, and skills and that are accessible, inexpensive, flexible, and acceptable. (*The biggest benefit technology will have on aging and longevity*, 2022) Furthermore, to assist people in overcoming obstacles and taking advantage of the advantages that technology may bring to their well-being and standard of living, they must receive the proper training, assistance, and direction.

This is the Questionnaire: <https://forms.gle/AGZB4qg39tT6McRQ7> which was used to collect data from Senior Citizens from different parts of India.

RESULT OF THE SURVEY:-

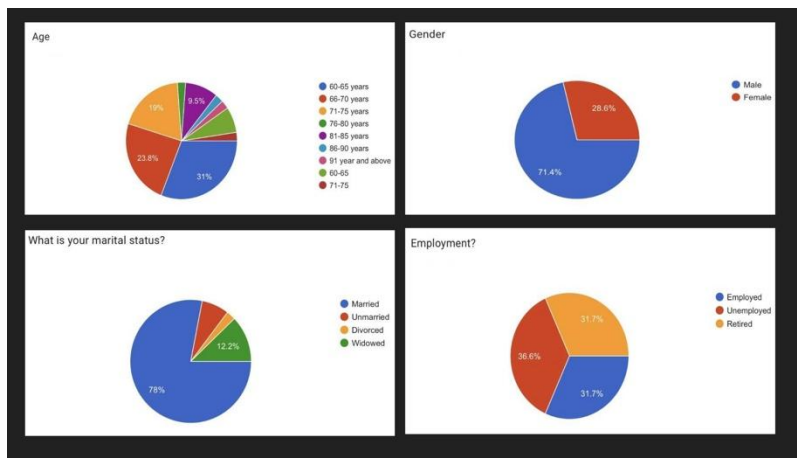
These graphs are the results of the survey conducted by the Author and Co-Author

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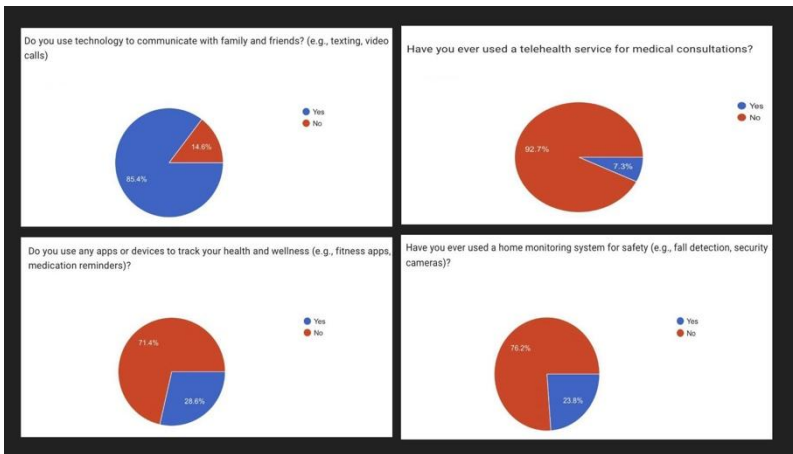
- The above image has displayed 4 pie charts. The first question was “Do you use a smartphone or a mobile phone?” and out of the 3 options such as “smartphone”, “mobile phone” and “none”, 40.5% of the respondents used mobile phones, 1.5% of the respondents used none but 57.1% of the respondents used smartphones in their daily life. The second pie chart displayed the question “Do you use a computer or tablet?” to which 61% of the respondents used none 9.8% of the respondents used both but 29.3% of the respondents used computers. (*World Health Organization: WHO, 2021*) The third pie chart displayed data of the question “Are you familiar with the internet?” to this question though 22% of the respondents were not familiar with the internet, but there were almost 78% of the respondents who were familiar with the internet. The fourth pie chart above displayed the data to the question “Have you ever used a wearable device like a smartwatch or fitness tracker?” Although 83.3% of the respondents haven’t used one, almost 16.7% of the respondents have used one.

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- The above image displays data in 4 pie charts which are the age, gender, marital status, and employment status of the respondents. The first pie chart displayed the age group to which the maximum of the respondents belong. 31% of the respondents belong to 60 to 65 years of age, 23.8% of the respondents belong to 66 to 70 years of age, and 19% of the respondents belong to the 71 to 75 years of age. And the remaining from 75 and above. (Prasad, R. D. et al.,2023) The second pie chart shows the gender distribution in the survey. 71.4% of the respondents were male respondents whereas only 28.6% of the respondents were female. The third pie chart shows the marital status of the respondents. When 78% of the respondents are still married 12.2% of the respondents are widowed and the remaining are either unmarried or divorced. The fourth pie chart displayed the employment status of the respondents. 31.7% of the respondents are employed, whereas the remaining are either unemployed or retired.

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- The above image displays data to 4 major questions Firstly, (Rajkumar, E. et al., 2023) “Do you use technology to communicate with family and friends? (texting, video calls)” to which only 14.6% of respondents disagreed whereas 85.4% of the respondents used technology to communicate. But the second question “Have you ever used telehealth service for medical consultation?” only 7.3% of the respondents have used such services and 92.7% of the respondents answered “no”. The third pie chart displayed the data to the question “Do you use any apps or devices to track your health and wellness?” to which 71.4% did not use any apps but 28.6% of the respondents used at least one of these apps. The last pie chart above shows the data to the question “ Have you ever used a home monitoring system for safety? (fall detection, security cameras, etc.)” (Frontiers in Computer Science, 2022) to which again only 23.8% of respondents used any of such systems and the remaining 76.2% of respondents did not have any home monitoring systems for safety. (Pronovost, P. J. et al., 2022)

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- The above image displayed 2 pie charts and a few major suggestions by the respondents. The first pie chart displayed the data collected for the question “Do you use the internet to access information related to senior care services, government benefits, or health information” to which 66.7% only used the internet to access information where only 31% used it to collect any sort of information. The second pie chart above displays the data for the question “Have you used technology to schedule appointments with healthcare providers or order prescriptions?” to which only 21.4% of the respondents used technology this way whereas the rest 76.2% never used technology to either schedule appointments nor to order prescriptions. To the question “Do you have any suggestions for making technology more accessible and user-friendly for senior citizens?” While many felt that awareness could make a lot of difference, there were still many who wanted fewer or no advertisements at all, the apps could be voice-activated, and finally, the government could come up with interesting schemes to make technology more user-friendly and safe to the senior citizens of the country. (Dujali, D.,2023)

SUGGESTIONS:-

- They are expanding the provisions of the Maintenance and Wellbeing of Parents and Older Citizens Act, 2007 which mandates that children or other family members maintain and look out for the wellbeing of older citizens and their parents. This could entail raising the amount and type of maintenance, making sure that maintenance orders are carried out in a timely and efficient manner, expanding the number of senior citizen facilities and services—such as assisted living facilities, healthcare facilities, and hotlines—and developing public and government awareness and sensitization campaigns regarding the needs and rights of senior citizens. (*Lok Sabha Secretariat, 2020*)
- Establishing a thorough and unified legal framework to safeguard senior citizens against exploitation, abuse, and neglect. This legislation would cover a range of violent and discriminatory acts against senior citizens, including property grabbing, abandonment, abuse on a physical, emotional, and financial level, and denial of basic services. In addition, this could suggest suitable punishments and remedies for the perpetrators and the prevention, detection, reporting, and redressal of such incidents.
- Strengthening the legal aid and awareness for senior citizens, especially for those who are poor, illiterate, or marginalized, who may face difficulties in accessing and availing their legal rights and entitlements. This could involve providing free or subsidized legal services, counseling, and representation for senior citizens, establishing special courts or tribunals for speedy and effective disposal of cases involving senior citizens, and conducting legal literacy and empowerment campaigns for senior citizens and their families

- It is enhancing senior citizens' digital inclusion and literacy, as their digital divide has gotten greater since the Covid-19 outbreak. This could be accomplished by enacting laws and offering financial incentives to help senior citizens' children or relatives become digitally literate, or by enlisting the aid of youth volunteers or non-governmental organizations to empower senior citizens with a digital curriculum that teaches them how to use smartphones, the internet, and a variety of other features and applications. (*SAGE Journals, 2021*)
- Encouraging the development and uptake of "age-tech," (*Singh, M. & Musyuni, P.,2023*) or the application of technology to enhance senior adults' well-being and healthcare. A legal framework and standards for the creation and management of age-tech products and services, like wearables, telehealth, home monitoring systems, and wellness apps, could be established to accomplish this. These tools can assist senior citizens in keeping an eye on their health and fitness, notifying themselves or their loved ones in the event of an emergency, and gaining access to cheap and high-quality healthcare.
- Preserving senior citizen's online security and privacy, as they may be more susceptible to identity theft, fraud, and cyberattacks. This could be accomplished by fortifying the legal protections and procedures for the gathering, storing, and utilization of senior citizens' data, particularly their financial and health information, as well as by developing awareness and education campaigns (*Glamoslija, K., & Glamoslija, K.,2024*) to inform seniors and their families about the dangers of cybercrime and how to report and prevent it.
- Implementing Telemedicine Practice Guidelines might offer a thorough and standardized framework for the use of telemedicine and its regulation in India. This framework would address issues like consent,

data protection, ethics, modalities, terminology, and standards. When the COVID-19 pandemic strikes, this could make it possible for elderly people who live in rural areas to get high-quality, reasonably priced healthcare.

- By amending the Information Technology Act of 2000, senior citizens' sensitive personal information—particularly their financial and health information—that is gathered, kept, and utilized by a range of digital platforms and services could be better protected from misuse and preserve their right to privacy. In addition, this might cover the formation of grievance procedures, the implementation of fines for data breaches, and the establishment of a data protection authority. (*Frontiers in Computer Science*, 2022)
- The government, business community, civil society, and individuals to encourage and support the digital literacy and inclusion of senior citizens, particularly those who are impoverished, illiterate, or marginalized. This could be achieved by introducing a Digital Literacy and Inclusion Policy, which could offer legal provisions and incentives. To empower senior citizens, this could entail offering subsidies, discounts, or vouchers for the purchase of smartphones or internet plans, or enlisting the help of youth volunteers or non-governmental organizations to create digital curricula that teach seniors how to use smartphones, the internet, and a variety of applications and features. (*Businessworld*, 2018)

ANALYSIS AND CONCLUSION:-

1. Image :-1

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- Most of the people who responded either don't use any mobile phones at all or use smartphones instead. This implies that smartphones are more widely available and in demand than other phone kinds.
- A minority of the participants utilize tablets in addition to computers, with the majority utilizing either computers or none at all. This suggests that the respondents do not use tablets very often or prefer them.
- Given that a sizable majority of the respondents are computer literate, it is likely that they have some experience with online resources.
- The low adoption rate of wearable technology among the respondents, such as fitness trackers and smartwatches, may indicate a lack of awareness or interest in these gadgets.

2. Image:-2

- Given that the responders range in age from 60 to 70, it is likely that they have either already retired or are very close to doing so. As respondents get older, the percentage of respondents declines, which can be a sign of a smaller sample size or a decreased life expectancy.
- The survey exhibits a notable gender disparity, with over twice as many male participants as female participants. This may suggest that there are more men than women in the population or that men are more likely to have access to technology.
- Given that married people make up the bulk of responses and that widows, single people, or divorced people make up a relatively minor percentage, it is possible that losing a life partner presents significant challenges for older adults.
- If fewer than one-third of the participants are working, it could indicate that they are either retired, jobless, not actively looking for work, or incapable of

working. The remaining respondents could receive pensions, social security, or other forms of income.

3. Image :-3

- Since most respondents utilize technology to stay in touch with friends and family, it is clear that they are accustomed to and comfortable with using a variety of digital communication channels.
- However, very few of the respondents had used telehealth services for medical consultations, suggesting that they may not be aware of this alternative, may not be interested in it, or may not be satisfied with it.
- It's possible that less than one-third of respondents don't care about, aren't inspired by, or don't trust these tools since they don't use any applications or devices to monitor their health and wellness.
- A home monitoring system is only used by a small percentage of respondents for safety, which may indicate that they do not need, cannot afford, or are not willing to install such systems.

4. Image:-4

- As a sign that they are aware of and interested in these subjects, the majority of respondents utilize the Internet to obtain information about government benefits, senior care services, or health information. Just a small percentage of them, meanwhile, utilize the internet to get information of any kind, which may indicate that they are content with the information they already have or that they encounter obstacles when trying to obtain more information online.
- Reliability for these technologies may be low among respondents, as seen by the fact that just a small percentage use them for ordering prescription drugs or making doctor's appointments. It's possible that the

majority of them prefer different approaches or don't use technology at all for these goals because they hardly ever use it.

- Some of the obstacles and preferences that older adults encounter are reflected in the recommendations for improving senior persons' access to and use of technology. (Bar & Bench, n.d.)

The following are a few recurring themes:

- Awareness: A significant number of participants expressed the belief that they require additional knowledge and instruction regarding the proper use of technology as well as its advantages.
- Advertising: A lot of respondents don't appreciate seeing advertisements on websites and mobile applications since they might be deceptive, bothersome, or distracting.
- Voice activation: As voice commands can be quicker, easier, and more natural for them, many respondents said they preferred using them over typing or tapping.
- Government initiatives: A lot of respondents expressed anticipation that the government would offer discounts, coupons, or free gadgets as well as other subsidies or incentives for utilizing technology.

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"IN THE SHADOWS OF INDIA'S AGING POPULATION: UNVEILING CHALLENGE AND SOLUTIONS"

By Prakrity Jaiswal^{41*} and Anuj Pandey^{42*}

ABSTRACT

According to the United Nations, India is the most populous country, which is soon to become a country with a huge number of elderly populations as says the report of the United Nations Population Fund. Accordingly, the report indicates that by 2046 the change would be in such a manner that the population of children (aged 0 to 15) would be less than the elderly people. Is India ready for this kind of change in its population? What result would such a major change will bring to India? Could the existing law would be sufficient till that time? are some bleak questions that aren't capable of being answered as of today. The report also indicated the major concerns that India would face by them.

The two major concerns from them are the realization of the older population and more number of population of women in the elderly age. Forming questions from these two topics would be of n number but, the solution has to be drawn with the emerging pace of the question so that these major changes could be deviated. This paper will deal with the report of the United Nations Population Fund and the recent reports of the survey conducted by the Indian Government and also how could the situation be tackled in a positive manner.

Keywords: Elderly Population, Survey, Indian Government, United Nations Report, Existing laws.

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INTRODUCTION

In the grand narrative of human existence, the passage through life encompasses various phases, each carrying its own significance and challenges. Among these, childhood stands as an epoch where the seeds of understanding age and its inevitable companion, aging, are sown by our caregivers. Yet, the true grasp of this concept often crystallizes much later in life, when its essence becomes lived reality or when life draws to a close. Aging is not an event but a process (Kirti K. Kalinga, Renuka Kumar 2014), which an individual is expected to live and discover. The United Nations defines aging as a "complex, multidimensional, and universal experience, characterized by physical, psychological, and social changes". On the contrary, Ageism can be defined as prejudice, stereotyping and discrimination against people based on their age. This type of discrimination can occur against any age group but is most common in adults. Ageism has a long history, and evidence of its existence dates back to ancient times. Although it has become more widely recognized and addressed in recent years, ageism continues to have a significant impact on individuals and society as a whole.

Aging is of incredible significance and pertinence, as the worldwide populace proceeds to age at an exceptional rate. In 2019, the number of people aged 65 and older surpassed those under 5 years of age for the first time in history, with this trend expected to continue in the coming decades. This demographic shift adversely affects all aspects of society, including healthcare, social security, and economic productivity. Aging according to the United Nations is a call for greater concern as it is turning itself into a global phenomenon, with a rise of 14.9% in India by 2036.

The United Nations Population Fund India in collaboration with the International Institute for Population Sciences (IIPS) has released the Indian Ageing Report 2023. The report declares 2020-30 as being the "Decade of Healthy Ageing" stating that this decade requires a whole of security approach

that will address four areas of action namely, creating an age-friendly environment, combating ageism, providing integrated care and building long-term care systems. This decade will not only see an impact on the health system but also impact various sectors such as labour and financial markets, demand for goods and services, long-term care, education impact, housing issues and much more. The term “old” used by the UN refers to an individual aged 60 or 65 years and above.

By 2022, the world population aged 60 and over will reach 1.1 billion, which will constitute 13.9% of the total population of 7.9 billion and by 2050, the number of elderly people is expected to reach 2.1 billion, accounting for 22% of the total population. The report also said that in 2046, the population size will turn itself in such a way that the population size of children aged 0-14 years when compared with the population size of the elderly, the latter is said to be more as compared to the former.

In addition, inequality among the elderly population in states is expected to increase further; In many southern states and selected northern states such as Himachal Pradesh and Punjab, the majority are expected to be older than the national average by 2021. The difference needs to be widened. Uttar Pradesh and Bihar are unique because these states are expected to be in the midst of demographic change as they expect an increase in the number of adults and children between 2021 and 2036.

The report identifies three major challenges that India will face as women live longer than men, leading to higher rates of widowhood, affecting health, economic and social well-being, urban elderly and senior citizens.

OVERPOPULATION AND AGEING:

India's population has undergone remarkable growth over the last century, escalating from around 350 million at independence in 1947 to a staggering 1.3 billion today. This rapid surge has strained resources, infrastructure, and social services, resulting in overcrowding, heightened pollution, and mounting unemployment. The surge in population owes itself to high fertility rates, longer life expectancies, and reduced mortality rates.

In tandem with overpopulation, India grapples with the challenge of an aging populace. Advances in healthcare and nutrition have bolstered life expectancy, leading to a burgeoning elderly demographic. Projections suggest India's elderly population, aged 60 and above, may reach 319 million by 2050, ranking the nation as the world's largest elderly populace. The confluence of overpopulation and aging presents intricate socio-economic challenges.

India's status as one of the world's most populous countries exacerbates the challenges of overpopulation, intensifying the relevance of the aging issue. The rising elderly populace strains healthcare, pensions, and social welfare systems. Escalating demands for healthcare, long-term care, and elder support strain financial resources and logistical capabilities, imposing burdens on the government and society. Moreover, demographic changes potentially foreshadow a shortage of skilled workers in the future.

The interplay between overpopulation and ageing profoundly shapes India's socio-economic and political fabric. This exploration delves into these challenges, illustrating their nuanced impact on the country's landscape, both now and in the foreseeable future.

DRASTIC SHIFT IN THE POPULATION SIZE

The data presented shows significant changes in India's population dynamics, especially in comparisons between the elderly (60 years and above) and the 0-14 age group. By

2046, India's adult population is expected to surpass that in the 0-14 age group.

Factors contributing to this shift encompass declining fertility rates, increased life expectancy due to better healthcare and living conditions, societal changes altering family structures, and delayed marriages (Amonker, R. G., & Brinker, G. (2007)). This demographic transformation carries far-reaching implications across various sectors, including healthcare, the economy, social services, and policy planning. The heightened demand for geriatric healthcare, changes in the labour force dynamics, challenges in providing adequate social support, and the need for policies catering to the rights and well-being of the elderly are paramount considerations demanding attention from policymakers and stakeholders alike. Understanding and preparing for this demographic evolution are imperative to ensure the formulation of comprehensive policies and strategic plans aimed at addressing the needs and integrating the burgeoning elderly population within India's societal framework.

INDIAN STATES: DEMOGRAPHIC TRANSITION

The evolving demographic changes in India, particularly the differences among states, will lead to various situations and challenges affecting social, economic, and healthcare aspects. The overall impact of this demographic transition is multifaceted. Socially, a shift towards a higher elderly population could strain family structures and change dynamics within communities. Economically, changes in the workforce due to an ageing population might affect productivity and strain existing pension and social security systems. Healthcare services will face increased demand for specialized care and facilities to cater to the needs of a growing elderly populace.

Looking at specific state scenarios, certain regions in the southern and select northern areas of India currently have a higher concentration of elderly individuals, indicating a more

advanced stage of demographic transition. This suggests a need for sustained improvements in healthcare, social services, and targeted policies to accommodate the needs of an ageing society. On the contrary, states like Uttar Pradesh and Bihar are expected to witness a surge in their elderly populations due to slower demographic transitions. This sudden increase might overwhelm current systems, potentially affecting healthcare, social services, and the economy.

A closer analysis reveals that in regions with a higher concentration of elderly individuals, continued enhancements in healthcare, social support, and policy frameworks are essential to address the evolving needs of this demographic. Conversely, states facing a sudden surge in the elderly population must prioritize improvements in healthcare infrastructure, social support mechanisms, and policy reforms to effectively manage the challenges posed by this demographic shift.

Understanding these state-specific demographic changes is crucial for policymakers to devise tailored strategies. Customized plans focusing on healthcare, social support, and economic adjustments are essential to effectively manage challenges and harness the benefits of an ageing population across diverse regions in India.

GENDER DIFFERENCES:

The trend of women outliving men in India, leading to increased widowhood, poses complex socio-economic challenges. Women's longer life expectancy amplifies widowhood, exposing elderly women to unique vulnerabilities. This trend affects societal dynamics, economic stability, and the well-being of widowed women.

Widowhood often isolates women emotionally and socially, especially when cultural norms limit their engagement in

community activities. Traditional roles confine them, hindering personal growth and contributions to society. Economically, widowed women, especially in conservative settings, lack financial independence and property rights, intensifying their vulnerability to financial hardships. Limited access to quality healthcare and support services exacerbates their economic challenges.

Addressing the socio-economic disparities arising from high levels of widowhood in India requires holistic initiatives. These should encompass counselling, financial aid, and securing inheritance rights. Bridging gender gaps in education, employment, and property ownership is crucial to alleviate the vulnerabilities faced by widowed women.

India must adopt a multifaceted approach involving policy reforms, societal changes, and cultural shifts to empower widowed women. Providing economic opportunities, ensuring social inclusion, and upholding their rights are essential to create a supportive environment for elderly women affected by widowhood.

RURALISATION:

The concentration of the elderly in rural India poses diverse challenges that demand targeted solutions. Limited access to quality healthcare, especially specialized geriatric care, exacerbates health disparities and delays medical aid. Social isolation due to a lack of community support impacts their emotional well-being. Economically, fewer job opportunities and inadequate financial support systems heighten vulnerabilities. Insufficient infrastructure hampers access to services, fostering physical isolation.

Addressing these challenges requires a multifaceted approach. Strengthening rural healthcare, developing tailored community engagement programs, and providing economic empowerment through skill development and financial aid

are crucial. Improving rural infrastructure, including transportation, is essential. Tailored policy reforms and social security schemes are needed to ensure their inclusion.

INDIA AND OTHER COUNTRIES:

Understanding the dynamics and challenges surrounding the elderly population is a critical facet of demographic transitions globally. Within this context, comparing India's ageing population with other countries provides a comprehensive understanding of the socio-economic, healthcare, and policy implications of this demographic shift. As India prepares for a substantial increase in its elderly population, juxtaposing its trajectory with that of other nations offers valuable insights into the unique challenges, potential strategies, and comparative experiences in addressing the needs of an ageing populace. Examining various countries' approaches to eldercare, social inclusion, healthcare infrastructure, and policy frameworks serves as a lens to comprehend the diverse strategies and their effectiveness in navigating the complexities of an ageing society.

INDIA AND JAPAN:

Japan anticipates a continual rise in its elderly population, specifically those aged 65 and above, until the year 2044. Nevertheless, the pace of this increase is expected to decelerate, shifting from a 22.2% surge observed in the decade spanning 2010 to 2020 to a more moderate 2.5% in the subsequent decade, from 2020 to 2030. This slowdown can be attributed to the completion of the transition of the baby boomer generation, born between 1947 and 1949, into the 65 and over demographic, which concluded in 2014.

A notable facet of this demographic shift is the projected growth in the "latter-stage elderly" category, individuals aged 75 and older. Forecasts indicate a 21.4% increase,

rising from 18.6 million in 2020 to 22.58 million in 2030. This surge aligns with the baby boomers reaching the age of 75 by 2024. Consequently, the proportion of the latter-stage elderly in the overall population is expected to hover around 20%. This projection underscores the ongoing impact of demographic trends on Japan's age composition, highlighting a nuanced shift in the growth rates of distinct elderly age brackets (*National Institute of Population and Social Security Research. (2023).*

The impact of the changing elderly population is especially significant on Japan's social security system, including medical care, long-term care, and pensions. The increase in the elderly population will lead to an inevitable rise in the burden of medical and long-term care costs. However, considering potential economic growth, these burdens are not expected to be so great that they would cause Japan's social economy to cease functioning. Furthermore, more than 60% of municipalities in Japan are projected to experience a decrease in the number of elderly people, leading to concerns about potential widening regional income disparities. It is important to note that these demographic changes will not only affect Japan in 2030 but also have implications for future years, as the children of the baby boomers will start entering old age by the 2040s. This may increase constraints on the labour supply and lead to more elderly people becoming eligible for welfare assistance (*Mitsui & Co (2023, August 30).*

In summary, Japan has experienced and will continue to experience changes in its elderly population, which have implications for various aspects of society, especially the social security system and local economies. While the burden of healthcare costs and potential income disparities are concerns, the impact is not expected to be catastrophic, and economic growth can help mitigate these challenges. India stands on the brink of a significant demographic shift, mirroring Japan's experiences with an ageing population.

From Japan, India can draw pivotal lessons to navigate this impending transition more adeptly.

Foremost is the importance of long-term planning and policy formulation. Japan's proactive approach in envisioning the needs of its aging populace underscores the significance of strategic planning. India can heed this lesson by formulating policies, infrastructure, and welfare schemes tailored to the evolving requirements of its elderly citizens. Another crucial lesson lies in healthcare infrastructure. Japan's emphasis on advanced healthcare facilities, particularly senior care, has been instrumental. India can learn to bolster its healthcare systems, ensuring accessibility and quality care for the elderly across the nation.

Japan's innovative integration of technology in eldercare stands as a beacon for India. Leveraging technological advancements for healthcare accessibility, telemedicine, and eldercare innovations can bridge existing gaps in India's healthcare landscape. Social inclusion and fostering active ageing are pivotal lessons from Japan. India can replicate initiatives promoting community engagement, employment opportunities, and robust social support networks, thereby enhancing the well-being and integration of its elderly populace. Japan's welfare schemes and financial support for the elderly offer critical insights. Designing tailored social security systems, pension schemes, and financial aid programs can ensure economic stability for India's ageing population. Addressing potential regional disparities is another crucial takeaway. Japan's experiences with regional income discrepancies amidst demographic shifts urge India to ensure equitable access to healthcare, social services, and economic opportunities for the elderly across diverse regions.

Lastly, Japan's foresight into future demographic changes resonates with India's need for preparedness. Anticipating sustained pressures on the labour force and social security

systems due to prolonged demographic shifts is paramount for India's planning.

INDIA AND CHINA:

India and China, two of the world's most populous nations, face the pressing reality of an ageing population, albeit at differing stages of demographic transition. Comparative analysis of their elderly demographics reveals distinct trajectories, showcasing potential lessons for India to glean from China's experiences in managing this demographic shift.

Presently, China hosts a larger elderly population compared to India, attributed to its rapid demographic evolution and historical policies like the one-child policy. The proportion of elderly citizens in China is notably higher, standing at approximately 12.6% of the total population, (*Lobanov-Rostovsky, S., He, Q., Chen, Y., et al. (2023)*) while India's elderly population comprises around 8.6%, signifying a less advanced stage in the aging process.

In terms of healthcare and social security infrastructure, China has made substantial strides in establishing systems tailored for its elderly populace. It allocates nearly 6.8% of its GDP to healthcare, with focused initiatives addressing the healthcare and economic security needs of the elderly (*Ministry of Health and Family Welfare 2011*). In contrast, India allocates approximately 3.5% of its GDP to healthcare, reflecting a nascent stage in fortifying its systems for the elderly (*World Bank. (2023, April 2)*).

Both nations are exploring technological integration in eldercare. China showcases advancements in AI-driven solutions and telemedicine for the elderly, notably investing in healthcare technology innovation. Conversely, India, while making strides in digital healthcare, is yet to reach the scale and impact witnessed in China's technological advancements for eldercare.

China's proactive policies and long-term planning aimed at addressing its ageing population exhibit strategic foresight. It has developed comprehensive frameworks for eldercare and social security systems. In comparison, India, while initiating steps in this direction, is in the nascent stages of crafting and implementing policies tailored for its elderly citizens.

China's one-child policy, which has been in place for almost 40 years, has contributed to the increase in the ageing population. The government is considering policies such as raising the official retirement age and allowing couples to have two children to address this issue. Efforts have also been made to reform the pension system to ensure coverage for all elderly Chinese. Retraining older workers, who often start working at a young age and have limited education, is a challenge in adapting to population ageing. The Chinese government has recognized the need to proactively respond to population ageing and has focused on fostering new sources of economic growth, such as innovation in science, technology, and the digital economy.

By considering lessons from China's experiences, India can glean insights into developing effective healthcare systems, social security initiatives, technological integrations, and strategic planning necessary for managing an ageing population. The data underscores the need for India to accelerate its efforts in fortifying healthcare and social security systems, leveraging technology, and formulating long-term policies to cater to the evolving needs of its aging populace.

POLICY SUGGESTED TO BE IMPLEMENTED:

Crafting a comprehensive policy response to India's burgeoning elderly population necessitates a holistic approach encompassing various sectors and domains. The "Elderly Empowerment and Inclusive Care Act" is proposed

as a multifaceted policy framework aimed at addressing the diverse needs of the ageing populace across the nation.

Healthcare Reformation and Geriatric Services:

Ensuring equitable access to quality healthcare services constitutes a cornerstone of this policy. Establishing specialized geriatric care units in both urban centers and underserved rural areas is imperative. Integration of telemedicine and AI-driven solutions will bridge healthcare gaps, providing remote consultations and personalized care. Continuous medical education for healthcare professionals will ensure expertise in managing age-related health concerns.

Social Security and Economic Stability:

The policy emphasizes tailored social security schemes, prioritizing income security, healthcare coverage, and welfare support for the elderly. Safeguarding inheritance and property rights, particularly for elderly women, aims to fortify their financial autonomy and mitigate vulnerabilities. Pension reforms and expanding coverage to unorganized sectors will ensure a secure economic foundation for the ageing population.

Combatting Ageism and Fostering Inclusion:

Initiatives against ageism are pivotal. Educational campaigns challenging stereotypes and promoting inclusivity form a crucial aspect. Creating community centers and employment opportunities specifically tailored for the elderly fosters their active participation in societal spheres. Mandatory inclusion programs in educational institutions and workplaces promote intergenerational understanding and respect.

Enhanced Rural Support and Infrastructure Development:

Special focus is placed on augmenting healthcare facilities in rural areas. Establishment of specialized geriatric care centers and mobile healthcare units ensures healthcare accessibility. Community-based support networks mitigate social isolation, enhancing emotional well-being. Infrastructure development, including accessible public spaces and transport, caters to the elderly's needs, promoting independence.

Strategic Policy Formulation and Planning:

Long-term policy frameworks are developed, anticipating and accommodating evolving demographic transitions. Policies tailored to address regional disparities in ageing population growth are crucial, ensuring resources are allocated appropriately. Continuous monitoring and review mechanisms ensure adaptability to changing needs.

Technological Integration for Elderly Care:

Promoting technology adoption among the elderly through training programs is prioritized. Research and innovation in eldercare technology cater to their specific needs and challenges. Mobile applications for healthcare management, emergency services, and virtual social engagement platforms enhance their quality of life.

Health Promotion and Preventive Healthcare:

Preventive healthcare initiatives target the elderly, emphasizing health awareness and regular check-ups. Specialized training for healthcare professionals in geriatric care ensures expertise in managing age-related health concerns. Awareness campaigns focusing on healthy lifestyles and nutrition enhance overall well-being.

Family Planning and Population Policies:

At the crux of this policy lies a concerted effort to promote family planning initiatives and advocate for population

policies that respect individual rights and choices. Emphasizing the benefits of smaller families, accessible birth control, and family planning services forms the cornerstone of this section. The Act prioritizes awareness campaigns targeting both urban and rural areas to ensure informed decision-making regarding family planning.

Education and Awareness:

Recognizing the pivotal role of education and awareness in shaping societal perspectives, this section advocates substantial investment in nationwide campaigns. These initiatives are designed to enlighten citizens about the implications of an aging population and the significance of family planning decisions. Efforts will be made to ensure accessibility and effectiveness of these campaigns across diverse socio-economic strata, thereby bridging the urban-rural information gap.

Empowerment of Women:

Understanding the correlation between women's empowerment, smaller family sizes, and effective family planning, this section underscores the need to empower women through education and employment opportunities. Strategies to promote gender parity in access to education and employment are focal points, ensuring women's active participation in decision-making regarding family planning.

Long-term Care Planning:

Encouraging proactive planning for long-term care needs among individuals and families, this section highlights the importance of providing support for financial security and suitable living arrangements for the elderly.

Inter-generational Initiatives:

Facilitating relationships and resource-sharing between different age groups is pivotal. This section aims to promote

programs fostering mutual assistance and interaction between generations, thereby fostering a cohesive societal fabric.

Research and Data Collection:

Acknowledging the role of research in addressing challenges faced by the aging population, this section emphasizes the need for data-driven solutions and policy formulations backed by comprehensive research and analysis and also recommend to conduct survey after every 5 years.

Government and Stakeholder Collaboration:

Encouraging collaborative efforts among government agencies, NGOs, healthcare providers, and various stakeholders stands crucial. This section seeks to foster a unified and comprehensive approach to cater to the myriad challenges posed by an aging population.

This policy addresses India's ageing challenges via healthcare, socio-economic aid, combating ageism, rural programs, tech integration, and long-term plans. Its success depends on joint efforts of governments, healthcare, civil societies, and active involvement of the elderly for implementation and sustainability.

CONCLUSION:

As India experiences a profound demographic shift, the complexities of an ageing population emerge as a prominent societal challenge. This journey through life's stages, from childhood to later years, unveils the intricate realities of age and the multifaceted aspects of ageing. Addressing this evolution requires astute attention, strategic planning, and thoughtful solutions.

The convergence of overpopulation and a growing elderly demographic marks a crucial juncture in India's socio-economic fabric. This shift accentuates the pressing need for strategic interventions across healthcare, the economy, social services, and policy formulation.

India's demographic shifts vary regionally, presenting distinct challenges. Addressing regional disparities, gender gaps where women tend to outlive men, concentration of elderly populations in rural areas, and complexities surrounding widowhood necessitate tailored and nuanced approaches for effective solutions. Comparing nations like Japan and China offers valuable insights. Japan's proactive eldercare policies and China's socio-economic initiatives highlight the importance of strategic foresight, technology integration, and inclusive policies.

The proposed "Elderly Empowerment and Inclusive Care Act" outlines a comprehensive policy framework. Encompassing healthcare reforms, social security enhancements, combating ageism, rural infrastructure development, technological integrations, strategic planning, and health promotion, this policy aims to empower and support India's elderly population.

Success hinges on collaborative efforts, unwavering commitment, and inclusive participation. Active engagement from governmental bodies, civil societies, healthcare institutions, and the elderly community can chart a path towards an inclusive, supportive, and empowered environment.

India's response to the challenges of an aging population isn't a burden but an opportunity for inclusive growth and societal resilience. Embracing these challenges with proactive policies and inclusive strategies can pave the way for a brighter future, guiding future generations.

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DOMESTIC ABUSE OF SENIOR CITIZENS IN INDIA: A SOCIO-LEGAL STUDY

By Aaratrika Ghose^{43*} and Lynette Thabor^{44*}

ABSTRACT

“One person caring about another represents life’s greatest value”

- Jim Rohn

The mistreatment that the elderly suffer in the modernized world is one of the most pressing concerns that has to be addressed. Remarkably, a survey released in 2014 conducted by HelpAge India claimed that abuse was suffered by 50% of India's senior population, and that 77% of those individuals were living in families. The notion of joint families was common in antiquity. Numerous religious writings, such as the Vedic scriptures, supported the idea of male dominance, according to which the father, as the head of the home, was in charge of making important decisions regarding finances and property. It was because of these deeply ingrained patriarchal ideals, older people were historically viewed as sacred and were dependent on younger family members for financial or emotional assistance. However, as the years went by, elderly people were kicked out of their homes because they were perceived as a burden by their families. As a result, the idea of old age homes was instituted, which caused a shift in the Indian Family System. It is evident from the current situation that women have abused laws or actions that were passed in an effort to advance their status. The goal of the research is to present a socio-legal viewpoint on domestic abuse of senior citizens in India through an empirical study that will be conducted in order to determine

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the research's ultimate purpose. This study examines the causes behind the socioeconomic shifts that resulted in the development of senior living facilities i.e., the old age homes, types of violence experienced by this demographic and consequently proposes suggestive measures to tackle the issue.

Keywords- *Old Age Homes, Social Isolation, Abuse, Domestic Violence, Elderly*

INTRODUCTION

India is a lively fabric of variety, a country where a rich tapestry of cultures, languages, and customs coexist. A substantial section of the population is made up of older people who have played vital roles in moulding the nation's history.

The country's current demographic system displays a peak in the adult population. According to the 2011 census, 8.6% of the population is elderly, defined as those aged 60 and above. Moreover, India consists of many wonderful practices but at the same time there are many immoral practices which are followed. The most popular among them is domestic abuse among the senior citizens of India.

Nowadays elderly abuse has been assigned the title of “**The Hidden Truth**”. According to WHO elderly abuse has been defined as “A single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”. Our Indian culture believes in respecting the elderly citizens but in the modern era it has been proved that around 71% of the senior citizens are abused by their own family members. This is one of the primary reasons that old age homes are evolving at an unprecedented rate. In earlier times the term old age home was relatively rare. Abuse directed to any senior citizen may be occasionally or on a regular basis.

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

It is unfortunate that the majority of the elderly population is dependent on their children either because they have become weak or for financial reasons. Instances have been reported that the parents have been forced to sign the property papers which leads them to be thrown out of their own houses and later their own children abandon them.

The Constitution of India provides many provisions with regards to the protection of the old age citizens in India. Article 21 talks about Protection of Life and Personal Liberty. This provision applies to each citizen whether one is old or young. Further, Article 41 specifies that the state is directed to ensure the entitlement to employment, education, and public support under specific circumstances such as unemployment, old age, illness, and disability. Article 46 affirms that the elderly's educational and economic rights must be maintained by the state.

It is very evident that the senior citizens face an identity crisis. To help the old age population live their last phase of life with utmost dignity and respect, the National Policy of Older Persons, 1999 was introduced. This Policy promotes welfare measures and empowers the elderly in ways that benefit them. It consists of the establishment of pension funds, concessions in rail/air travel, and a tax break for older residents. Apart from the policy, there are provisions included in The Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 to protect the vulnerable population. Section 125 of the CrPC enacts a secular legislation for the support of a wife, child, or parents. This section assists in providing monetary aid to the disadvantaged in order to avoid circumstances such as vagrancy and poverty. Likewise, Section 506 of IPC mentions that any person harassing senior citizens can be brought under this section for criminal intimidation. In contemporary scenario, it is the old age people who are at the receiving end of abuse in the form of verbal torture. A case of the same can be brought under Section 209 of the IPC.

Nowadays, organizations have become mindful that because of the inadequate access to food, shelter and other basic amenities, the elderly population face severe problems. The United Nations General Assembly appreciates the contributions that the senior citizens have been making since ages. They played a vital role in the evolution of the existing modern society. Recognizing the establishment of those rights in the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights, as well as other declarations ensures the application of universal standards to specific groups like in our case is the senior citizens population. In continuation, the International Plan of Action on Ageing was adopted by the World Assembly Ageing. It gave immense importance to the health, diversity etc. of the old age people.

It was much later that the Maintenance and Welfare of Parents and Senior Citizens Act 2007 was enacted to ensure elderly people's social welfare. As the traditional joint family structure diminished in society, there was a noticeable increase in instances of neglect, crime, exploitation, and abandonment of parents and senior citizens. Courts intermittently mandated government reviews of the existing legislation in response to these issues. In response to the same, the new Bill called The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2019 was enacted.

Despite the mentioned provisions and acts, the issues still persist and there is a need for more practical and comprehensive measures to be implemented. It is imperative to explore and propose effective solutions to mitigate the problems faced by parents and senior citizens in contemporary society.

DID OLD AGE HOMES EXIST IN THE ANCIENT INDIAN PERIOD?

Old Age homes was not a very common word to be heard in the ancient times. Since old times living in a joint family was the convention where the younger generation used to respect the elders. The elders were regarded as the most respectful members of the society. The Taittiriya Upanishad's Sanskrit contrast of "Matru Devo Bhav" and "Pitru Devo Bhav" has its origins in the ancient Indian Vedic era which defines the same. It has been an old age practice that the family's finances and major decisions are taken by the head of the family also called the "Karta". Family revenue goes into a shared pot from which resources are pulled to suit the needs of all members, which are managed by the family's heads.

Keeping in mind the increase in urbanization, the practice of joint family systems is gradually disintegrating. One of the primary reasons for this is because of the individual's continuous search for new opportunities as well as technological advancements. Nuclear-like families have become the new norm. Nowadays, children don't have enough time to spend with their parents. This leads to neglect and a sense of abandonment among them.

Overall, there are three basic needs of the older population i.e. first being their health needs followed by economic needs and socio-psychological needs. These needs are often compromised because of the busy schedules of the young population. This is the reason why old age homes started emerging in modern society. Moreover, there have been instances where the young population drafted an agreement to keep their parents with them to live in the same household. Inhumanity like the one mentioned above lead to the spread of old age homes at an unprecedented rate.

In addition, most of the young population are now migrating to other cities where they have been given better opportunities and they leave the elder population behind which leads to a sense of neglect. Old Age homes was a

concept which was more familiar to the western society than Indian society.

The primary response to the overarching question is a rejection of the notion that old age homes did not exist in ancient India. In that era, elders were highly revered and regarded as indispensable members of society, imparting valuable knowledge to the younger generation. The significant societal growth we witness today is attributed to the wisdom and contributions of these respected elders, eliminating the need for old age homes during that historical period. The change in the behavior of the family members towards the elderly can also be attributed for the same.

The optimal feature of a joint household involved the practice of a son, upon marriage, residing with his parents and dutifully serving them to the best of his abilities. This concept primarily originated from Sanskrit ideals outlined in Hindu scriptures, and it was predominantly adhered to by the upper castes and classes (*Shah, A. M. 1999*). It is true that co-residence is an important factor for the wellbeing of the elderly population (*Rajan, S. I., & Kumar, S. 2003*). The accelerated pace of urbanization and the self-centered mindset of individuals often result in limited time being allocated to caring for elderly parents, prompting many to opt for the services of old age homes. In the lack of a well-developed system for delivering social services to the elderly, they have to rely on others living nearby.

The primary catalyst for the emergence of elderly care facilities was to serve as alternate caregivers to those who were unable to obtain family care. Dandekar's survey of old-age homes in Maharashtra revealed that the primary factor leading elderly individuals to reside in such facilities was the absence of adequate care for them within their own families. Therefore, these surveys demonstrate that old age homes were not a common system during ancient times. It is only in recent periods that they have gained increased attention.

EVOLUTION OF OLD AGE HOMES IN THE CONTEMPORARY WORLD

It is indeed quite astonishing to observe that elderly people, who were once regarded as the most powerful and respected in multigenerational families of India, are now facing harsher conditions of the society due to social isolation. Over the recent years, middle class families have shown newer characteristics of social order that have significantly challenged the cultural norms and values of the ancient Vedic period. The present generations have adopted the westernized way of thinking in regards to elderly people's care with the creation of old age homes. Since the British India era, residences for old age people have hardly been a known thing except for some homes established by the Christian missionaries largely for the Anglo-Indians and the poverty-stricken (*LAMB, S. 2007*).

In today's time, due to changes in socio-economic demographics within the society, the youth has been chosen to move away from their cities to pursue their prospective careers and with the turn of successive events are gradually adapting to the nuclear family setting. The elderly naturally expect economic and emotional support from their children or relatives, however this sharp change in family dynamics of early joint-families have made them vulnerable to their surroundings and people. The increasing requirements for old age homes is not just an urban phenomenon but also prevalent in rural areas as well. Children from rural residences look for better economic opportunities and overall lifestyles in urban cities which ultimately leads to a break-up in the joint-family. The elderly often face a sense of grief, loneliness, or loss when their children grow up and leave their parental homes, commonly termed as the 'empty-nest syndrome.' The symptoms of such a syndrome can be depression, anxiety over child's well-being, sense of purposelessness or unhealthy/extreme focus on the child's well-being which many times, the child can view as a 'loss of trust' or privacy boundaries from the parent's side

(Kumar, R., Satapathy, S., Adhish, V. S., & Nripsuta, S. 2017). Therefore, on a brighter note, old age homes are better as well as significant alternatives for such elderly parents to take care of their daily needs and nurture them with care and solace. This shall also save them from the prejudice or apathy from familial relatives or sometimes, even their own children.

The old age home or the senior citizens facility sector constitutes the public i.e. non-profit as well as private facilities. The pay and stay homes cater the middle class and upper families whereas the public facilities are for the ones without requisite financial credit. A research study was also conducted by Tata trusts, Samarth, and United Nations Population Fund⁴⁵ that assessed the current situation and reported an approximate increase of 25% of elderly homes in India. It implied the need of 8-10 lakh beds for their living in the next 10 years. There are approximately 138 million senior citizens in India (as of the census conducted in 2021) and around 56 million is expected to increase around the year 2031. Around these millions of people, 18 million elderly people are living without a home. Currently there are 728 old age homes present in India (including both private and public facilities).

Such facilities strive towards providing overall development and care of the elderly and catering to their daily needs which includes accommodation, healthcare assistance especially with medicines, homely meals, recreational activities like exercise, entertainment etc and support with daily common living activities like bathing, dressing and food management. These facilities also provide special treatment with people suffering with long-term disorders, bodily or mental health conditions like Alzheimer's, dementia, arthritis, cardio-vascular diseases, diabetes, depression, anxiety etc. The increasing identification of

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cases of such diseases among the elderly (due to an upgraded healthcare system) have led the researchers to conclude the reasoning behind this rapid rise of old age homes in today's era. Holistically, the elderly people on their stay in such old age homes experience a whole new lease on life.

FACTORS CONTRIBUTING TO ELDERLY ABUSE

Individuals who are at a higher risk of elder abuse frequently have functional reliance, poor physical and mental health, cognitive disability, and a low income. Perpetrators, on the other hand, may exhibit symptoms such as mental illness, drug misuse, and financial dependence on the victim. Relationship variables, such as relationship type and marital status, might impact the likelihood of abuse, albeit these characteristics differ among nations and locations. Furthermore, societal factors like ageism and cultural norms may lead to elder abuse, but social support and living situations like living alone might lessen the risk of such mistreatment (*Badiani, F., & De Sousa, A. 2016*).

Families employ caregivers to attend to the needs of elderly individuals. Instances have arisen where caregivers mistreat the elderly. Three reported categories of abuse include verbal, physical, and neglectful behaviors. These factors were outlined by Karl Pillemer (*Homer, A. C., & Gillear, C. 1990*). Caregivers frequently have a heavy job and various duties, which causes frustration and neglect of their personal needs. This irritation is frequently directed against the elderly, culminating in cases of abuse. Elderly adults suffering from cognitive disorders such as Alzheimer's disease and dementia may act aggressively against carers, especially as the condition progresses. It is vital to stress that aggressive conduct, rather than a diagnosis of cognitive illness, increases the likelihood of elder abuse. Furthermore, elderly adults with memory impairment are vulnerable to elder abuse because they become dependent on the attacker.

The older a person becomes, the more deteriorating his or her physical, psychological, and cognitive functioning becomes. These variables may raise the older person's risk of abuse and neglect. People who rely on others for aid, social, emotional, physical, financial, or spiritual support are more vulnerable to elder abuse.

Socially isolated older individuals are less likely to be aware of and use available health and community support services. Isolation of both elderly individuals and caretakers is a known risk factor for elder abuse. Examples include limited or little interaction with people, spiritual assistance, and spending time with friends, family, or neighbors. When paired with other characteristics such as cultural variety, older age and frailty, and low health literacy, isolation is linked to an increased risk of maltreatment and elder abuse. These are few of the many factors that leads to domestic abuse of elderly citizens in India.

ONGOING CONCERNS

India has undergone major transformations within its demographic populations, unique challenges have since arisen within the familial and the legal hemispheres due to this aging population. By addressing these following subtopics, our objective is to create awareness regarding the magnitude of the current issues faced by the elderly and contribute to an informed discourse on policies and strategies for the holistic development of senior citizens in India.

Prevalence of abuse and ongoing incident rates

It is said that one in every six adults face elderly abuse in the entire world. There is no doubt that elderly abuse increases in alarming rates annually from 23% to 50% in 2013 & 14 respectively (Patel, V. K., Tiwari, D. S., Shah, V. R., Patel, M. G., Raja, H. H., & Patel, D. S. (2018). High numbers of data collection suggest that all forms of abuse (verbal, physical, financial, or emotional) against elderly people primarily

occurs in their own homes, often at the hands of their offsprings. However, it is difficult to ascertain the actual figures as many cases stand unreported since most of the time, close family members are identified as the common abusers. They are often hesitant to disclose about their abuse in detail due to fear, shame, preponderance, or dependence on their abusers.

The role of gender and legal aspects in elderly abuse

With time passing, concerns have arisen regarding the rampant abuse of certain laws that were originally designated to address specific hardships, vulnerabilities of disadvantaged sections of people in our society and protect their rights. The most misused law in India has been Section 498 of Criminal Procedure code, 1974. Almost all FIR's lodged under this section have been disregarded due to them being a mistake of fact. Women are often found filing frivolous fake dowry cases against their husbands as well as in-laws to gain an undue advantage for a smoother divorce, child custody, maintenance or a property dispute. It is important to recognise the due responsibility of the law enforcement agencies and legislations to ensure laws are applied justly and in accordance with the Constitution. Nonetheless, it is essential to mention that India has taken several actions within its legal system, recognizing the importance of securing its aging population. Like in the 2018 judgment by the Delhi HC which held that the daughter in law cannot stay at the home of the in-laws, if she mistreats them. The original legislation of Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016 prescribed only the sanctions being imposed on legal children or heirs in case of mistreatment and not on daughter in laws. Therefore, this case has been seen as a landmark judgment for the welfare of senior citizens.

Legal framework and identifying its shortcomings

The legal rights of the elderly have not been profoundly covered by the existing legislations. Though certain acts

have been enacted specifically for the care and protection of the senior citizens of the society, the efficacy of such laws has proved to be not as productive as they were meant to be.

The Maintenance and Welfare of Senior Citizens Act, 2007 act aimed at ensuring the well-being and providing support to senior citizens in India. However, the act fails to consider those senior citizens who have neither property nor children. It implicitly places a responsibility to maintain a relation with a natural or adoptive legal heirs who would have the right to inherit the property of elderly persons. There is also a bill pending in the parliament with necessary amendment to cover up the defaults within the act. The legislative bodies fail to overcome the concerns regarding this act's effectiveness because the state does not view the elderly population as a beneficiary or an asset to electoral polls and therefore, not much funds are directed for the development of the same.

**EMPIRICAL RESEARCH STUDY ON AN IN-DEPTH
EXPLORATION OF FACTORS INFLUENCING ELDERLY
RESIDENCE IN OLD AGE CARE FACILITIES**

Aim: A survey is conducted in order to identify the root causes behind elderly people living in an old age home care facility.

Objective: As understood by far, the prevalence of old age facilities is increasing day by day. The empirical research study aims to investigate the reasoning behind this growing phenomenon as it is crucial to develop intrinsic interventions and policies to develop the wellbeing of the elderly. By conducting a comprehensive survey, we seek to identify the complex factors that directly influence this decision of opting to live in old age care facilities, that ranges from

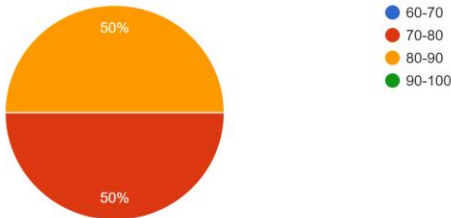
health and family considerations to changes in societal, cultural and legal dynamics.

Methodology: This research has been developed with a survey-based approach i.e., utilizing a structured questionnaire designed with the aid of Google Forms to receive qualitative as well as quantitative data. The questionnaire had been distributed to a sample population consisting of a certain section of elderly people currently residing in an old age home which is a private facility. The data collected has been further analyzed to identify similar or correlating patterns and connections with a nuanced understanding of the root causes for elderly individuals to live in these care facilities.

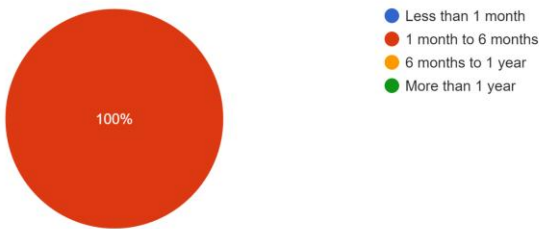
Outcome: The research has elicited valuable insights on the challenges faced by the elderly people as well as the underlying reasoning behind elderly people living in old age homes which has been well illustrated in the following graphs given below:

RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

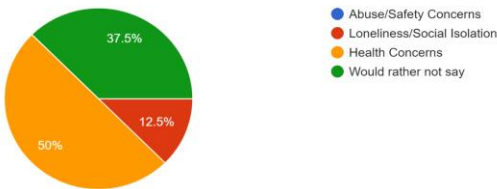
Age Group
8 responses



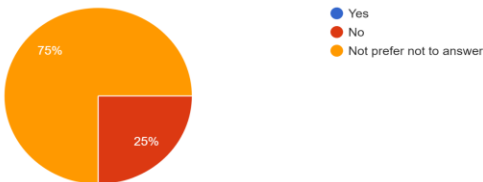
How long you have been living here?
8 responses



What was the primary reason for your decision to move into this facility?
8 responses

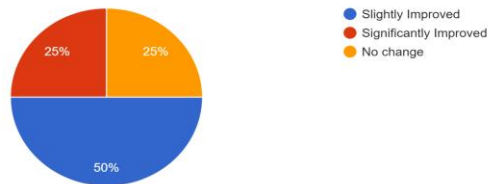


Have you suffered from any form of abuse from your family members?
8 responses

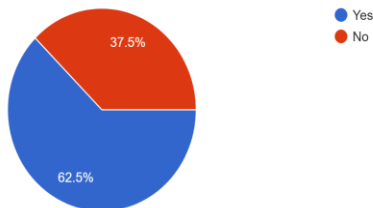


RIGHTS OF ELDERLY PEOPLE IN INDIA: CHALLENGES AND PRIORITIES

Has your quality of life improved since you have moved into this old age home facility?
8 responses



Have you formed close friendships or support networks with other residents in this old age home?
8 responses



The report shows the responses to our visit to the old age home care center named Quality Elder Homes in Noida, Uttar Pradesh. A total of 8 responses were collected. Among these, 50% of the respondents stated that their primary reason for choosing the old age care center was health concerns, while 12.5% cited social isolation and loneliness as their motivation. Though the respondents were specifically asked about the reason for them moving into these kinds of facilities, many of them chose not to give any specific reason behind it. However, it was evident from our discussion that domestic abuse has been one of the main reasons for forcing them to leave their homes.

This discussion, along with its outcomes, corroborated our study's findings that 75% of the respondents chose not to respond when questioned about whether they had experienced abuse from their families or not. In conclusion,

the study reveals that domestic abuse remains prevalent in the modern era, persisting despite the implementation of legal measures and legislations.

SUGGESTIVE MEASURES TO MITIGATE ELDERLY ABUSE

Despite having a stringent anti-abuse statute in place for the past 15 years, India has earned the distinction of having one of the worst records of elder abuse in Asia. According to a poll undertaken by the Agewell Foundation, an alarming amount, nearly 71%, of older persons in India are subjected to different sorts of abuse, humiliation, and exploitation by their family members, relatives, or children. Now, we do realize that a lot of studies and surveys have been conducted like mentioned earlier but still the magnitude of the problem has not decreased. Unique and practical measures are required to curb the given problem.

There should be stricter policies and laws to prevent elderly abuse. The laws should aim towards creating a legal framework to protect the vulnerable population from financial exploitation, neglect or even emotional or physical abuse. The state should establish a dedicated fund for the elderly population to facilitate the development of schemes aimed at benefiting this demographic. This measure is essential to ensure the well-being of the elderly and prevent instances of abuse.

There should be programmes and awareness campaigns to keep the family support intact. Furthermore, a system should be implemented wherein if an elderly individual reports cases of abuse to the court, family members should be held liable, and compensation must be provided. Family centric responsibility as a measure should be highly emphasized. It is the responsibility of all family members to create a supporting and loving atmosphere. This method entails open communication, equal division of caring responsibilities, and financial openness.

TV channels dedicated to the elderly population should be introduced. This would be a highly effective measure to mitigate the ongoing concern in the society. Through these channels, the elderly population can gain knowledge on topics like financial literacy, legal rights available to them in case they are being abused and health care facilities. This empowers them and makes them less vulnerable to exploitation activities. Additionally, help line services should be established. These services would serve as an invaluable resource for immediate assistance in cases of abuse. The TV channels can offer guidance on how to effectively utilize these helpline services, ensuring that individuals are well-informed about the process and can access support promptly.

Proper training should be given to the caregivers. The importance of empathy, communication and ethical care giving practices should be emphasized. Palliative care should be given importance. This specialized type of care focuses on relieving the symptoms and stress of a serious disease, with the objective of increasing the quality of life for both the older person and their family. Palliative care adds to a supportive atmosphere that reduces the likelihood of abuse by addressing physical, emotional, and spiritual needs.

Affordable and high-quality old age care homes and services should be provided. Proper inspection facilities should be implemented. These facilities aim towards checking the safety standards, physical environment and the overall quality of care provided to the elderly people. Continuous monitoring should be done to detect any signs of neglect or abuse. Lastly, a thorough selection procedure for service providers should be implemented for evaluating their qualifications, expertise, and dedication to ethical caregiving. Background checks on staff members, rigorous training methods, and a dedication to resident rights should all be part of the hiring process. Ensuring that service providers are committed to delivering high-quality care contributes to the

creation of a safe and respectful environment for older persons.

CONCLUSION

According to the Women, Family, and Community Development Ministry, there were 4,026 domestic abuse instances, with more than 30% of the victims being males aged 60 and more. In conclusion, this study puts light on the distressing reality of domestic abuse among older adults in India. Despite being cherished in societal standards, many elderly people face various sorts of abuse in their own homes. The findings highlight the critical need of holistic interventions that include legislation reforms, community awareness initiatives, and targeted support services. Recognizing elderly adults' particular vulnerabilities is critical for the development and implementation of effective preventative strategies. As India struggles with demographic trends and an aging population, addressing the issue of domestic violence against elders becomes critical for cultivating a culture that respects and protects the well-being of its older citizens.

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PAVING PATHWAYS: EXPEDITED RESOLUTION & LEGAL AID FOR THE ELDERLY

By Sanvi Mathur^{46*} and Moulika Sharma^{47*}

ABSTRACT

Keeping our country, India's vast size of population as a reference, this paper aims to become a mouthpiece for the 103.8 million elderly citizens to address the overflow of challenges that they face on the legal front. Having once been the stalwarts of economic prosperity, it incumbent upon a nation to reciprocate the toil of the elderly and nurture them as a sacred duty, a testament to the intergenerational symphony of social responsibility. Being of the age where elderly find themselves in the twilight of life, with the sands of time slipping through the hourglass, it is an affront to their dignity and a miscarriage of justice to subject them to the ordeal of queuing for legal redress. As the most populous country, India faces impediments when it comes to the implementation of the policies already framed.

Hence, this paper aims to critically analyse few of the loopholes in The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, The Senior Citizens Act, 2007 and The National Policy for Older Persons, 2011 from the viewing lens of practicality & feasibility to provide suggestive measures for enhancing policy framework, facilitating widespread awareness, and for betterment of implementation of the same. Through this paper, the authors aim to propose a framework for legal aid & consultancy at the door-step of the elderly, accessible through a special helpline. Moreover, this research aims to bring out the essentiality, in fact, indispensability of technological intervention regarding virtual hearings & digital

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documentation in the judicial framework in order to streamline process of legal redressal for the elderly. By paving pathways for enhanced legal support, this study envisions a future where senior citizens can navigate the legal landscape with greater ease and receive timely justice tailored to their specific circumstances.

Keywords: *The Senior Citizens, legal redress, door-step of the elderly, technological intervention.*

INTRODUCTION

“From 5% of the population in 1950, senior citizens were close to 10% of the population by 2016, and this is estimated to rise to 19% by 2050, when about one in five Indians will be 60 years or older, according to the UN, which declared October 1 as International Day of Older Persons.”

- (Aravind, 2022)

In the grand tapestry of global demographics, a remarkable shift has occurred, painting a picture of prolonged life expectancy, better healthcare, and an increased understanding of healthier living. This transformative wave has led to a surge in the number of senior citizens globally, presenting both opportunities and challenges for societies. In the heart of this global phenomenon lies India, a country with a rich cultural mosaic and a diverse populace, currently navigating the complexities of a burgeoning elderly population. This necessitates a thorough exploration of the associated implications, particularly the need for an expedited justice system to cater to the evolving needs of the elderly. Recent reports from the Longitudinal Ageing Study of India (LASI) and the National Statistical Office (NSO) underscore India's position is on the brink of a silver revolution (Tenzin, 2021).

By 2050, the number of elderly individuals is predicted to reach a staggering 319 million, a threefold increase from the

2011 census. This demographic shift is a testament to the strides made in healthcare, living conditions, and medical advancements, resulting in a commendable rise in life expectancy (*Correspondent, 2021*). The LASI report reveals that 75% of seniors grapple with chronic diseases, 40% contend with disabilities, and 20% face mental health issues. This emphasizes the urgent need for a targeted and comprehensive healthcare strategy to address the unique needs of this growing demographic (*Thomas Gregor Issac, 2021*). As the silver wave continues to swell, a critical consideration is intergenerational equity. This principle of natural justice insists on fairness between different generations, urging society to acknowledge and address the needs and rights of the elderly. While gestures like concessional fares and priority seating are noteworthy, the true measure of respect and honour for senior citizens lies in the realm of justice delivery (*Indulia, 2020*). Among the pressing issues confronting the elderly population is the sluggish pace of justice delivery. The legal system, entrusted with upholding justice, often falls short of meeting the expectations of senior citizens due to prolonged legal proceedings. The frustration stemming from delayed justice not only harms individuals seeking resolution but also undermines public trust in the judiciary.

The Supreme Court's directive in *Rajinder Singh v. Prem Mal* echoes the urgency of addressing this issue. The court acknowledged the widespread disillusionment with the status quo and urged authorities to ensure the speedy disposal of cases. This plea gains particular significance concerning senior citizens, who may not have the luxury of time on their side.

CHALLENGES FACED BY THE ELDERLY WHILE WALKING THE PATH TO JUSTICE

In the evolving landscape of contemporary society, senior citizens find themselves grappling with a plethora of challenges that demand nuanced solutions. The increasing

aging population brings to light pressing issues ranging from health concerns and financial insecurities to social isolation and a lack of inclusivity. As we delve into these challenges, it becomes evident that addressing the needs of senior citizens is not merely about safeguarding their basic existence but necessitates a comprehensive approach that encompasses physical, mental, and emotional well-being. The vulnerability of senior citizens is further exacerbated by crimes such as physical violence, burglaries, and financial exploitation, often perpetrated by family members. Elderly women and disabled seniors are particularly susceptible to physical violence. These crimes highlight the urgent need for societal awareness, legal safeguards, and support systems to protect the elderly from harm. In recognizing the multifaceted challenges faced by senior citizens, India has enacted laws to safeguard their rights (*University, 2022*). The *Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2019*, (hereinafter referred to as the MWP Act) is a step in the right direction, compelling younger generations to care for their elderly relatives. However, challenges persist, such as ambiguous definitions in legal frameworks.

Traditionally, the cultural fabric of Indian families has underscored the pivotal role of children in supporting their parents. However, the evolving landscape marked by urbanization and migration has strained familial bonds, resulting in the neglect of the elderly. To address these challenges, the MWP Act serves as a mechanism to facilitate the provision of maintenance support through tribunals. Remarkably, it simplifies the process, eliminating the necessity for legal representation. Authorized representatives or organizations can file complaints, ensuring a time-bound resolution with the potential for interim relief and appeal.

Addressing the needs of indigent senior citizens, Chapter III of the MWP Act, 2007, emphasizes the establishment of old-age homes. However, this facet of the Act lacks provisions holding the state executive accountable for its

implementation. Old-age homes are predominantly managed by private organizations or charitable trusts, necessitating a streamlined mechanism to ensure easy access for seniors seeking admission. Despite the Act's mandate for state governments to initiate at least one old-age home in each district, this goal remains unfulfilled in many states. Concerns about elder abuse arise from the absence of a standardized process for ensuring the quality of care in these facilities. A rights-based perspective and economic considerations, when it comes to residential care, may contribute to a lax implementation (*Thomas Gregor Issac, 2021*).

EXPEDITED JUSTICE: A CRY FOR DIGNITY

The elderly population in India encounters significant challenges that hinder their well-being and dignity. One pressing issue is the inadequacy of pension schemes, which offer trivial amounts incapable of meeting basic survival needs. There is a call for collaborative efforts between the Union of India, State Governments, and Union Territory administrators to enhance the implementation and planning of pension schemes for the aged. The right to shelter is constrained by the economic budgeting capacity of the state, leading to a struggle to provide dignified living conditions for senior citizens. The National Programs for healthcare face obstacles due to a lack of effective coordination and cooperation among the Union of India, State Governments, and Union Territory administrators.

The goal of providing accommodation for 150 indigent senior citizens in every old-age home, as stipulated in Section 19 of the Maintenance and Welfare of Parents and Senior Citizens (MWP) Act, often falls short due to the overwhelming population of indigent elderly individuals. Moreover, the elderly's unawareness of their human rights, both constitutionally guaranteed and outlined in the MWP Act, facilitates the violation of these rights. The non-publicity of these rights, attributed to insufficient

government support for NGOs, exacerbates the issue. A realistic and viable pension, collaborative efforts to combat corruption, and comprehensive welfare schemes are essential for improving the plight of the elderly in India. Additionally, a well-coordinated approach and increased awareness, facilitated by government support, are crucial for ensuring the elderly live out their remaining years with dignity.

BARRIERS TO ACCESS TO JUSTICE BY ELDERLY

Accessing justice for senior citizens in India is hindered by a myriad of factors, creating formidable barriers that impede their ability to seek legal redress for various issues. One primary obstacle is economic constraints, where the elderly often grapple with financial instability and inability to sustain themselves due to meagre pensions or financial exploitation by family members. The lack of a robust financial support system exacerbates their challenges, leaving them incapacitated to engage with legal proceedings effectively.

Economic vulnerability is particularly pronounced among senior citizens who, despite having sound financial backgrounds, fall prey to fraudulent practices by their own children or relatives. Instances of property dispossession and financial exploitation leave them in dire straits, with limited means to engage legal assistance. The need for state intervention in providing financial support and legal aid to navigate complex legal processes becomes evident in such cases.

Furthermore, the slow pace of judicial processes poses a significant hindrance. The Indian judiciary, burdened with an overwhelming caseload, struggles to ensure timely disposal of cases. Senior citizens, often at an advanced age and in fragile health, find the prolonged legal procedures emotionally and physically taxing. The lack of early resolution can deter them from seeking legal remedies, as they fear that the outcomes may not be delivered during their lifetime.

The challenges are further compounded by a pervasive lack of legal awareness among the elderly. Many senior citizens, especially those in rural areas, are unfamiliar with their rights, existing legislations, and the functioning of legal institutions. This ignorance leaves them susceptible to misinformation, manipulation, and an inherent distrust in the legal system. Initiatives to enhance legal consciousness among senior citizens, involving Legal Services Authorities (LSA), are essential to empower them with the knowledge needed to navigate legal complexities. (Singh, 2022)

In light of the COVID-19 pandemic, the situation worsened, with restrictions hindering court access for seniors unfamiliar with online processes. The delays in court proceedings during the pandemic intensified the challenges, especially technological barriers faced by senior citizens, as well as the courts, emphasizing the need for adaptability in legal systems to ensure inclusivity. In view of the above challenges and obstacles it is imperative that the legal landscape of India steers forward to a turn of, if not a revolution, steady change and improvement to serve the needs of the elderly.

EXISTING POLICIES AND LAWS

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, The National Policy on Senior Citizen, 2011, National Programme for the Health Care of the Elderly (NPHCE), National Social Assistance Programme (NSAP), Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Pradhan Mantri Vaya Vandana Yojana (PMVVY), National Action Plan for Senior Citizens (NAPSrC) are few of the many provisions that already exist in the policy framework.

1. National Policy on Senior Citizens 2011

This policy addresses issues concerning senior citizens living in urban and rural areas, special needs of the oldest and older women. The policy seeks to reach out in particular to the

bulk of senior citizens living in rural areas who are dependent on family bonds and intergenerational understanding and support. It proposed the idea of Establishment of National Council for Senior Citizens.

In the opinion of the authors, this committee was to collect intellectual minds in a space to focus on aspects such as health care, financial security and overall lifestyle of the elderly. The committee can be made up with a number of intellectuals who may be the retired members of executive branch and retired judges may be made the head and there should be a proper election mechanism.

The mechanism should be transparent and a proper committee should be instituted so that there are no biases. Furthermore, there should be bare minimum involvement of any external member. It must be an advisory council which will bring out an analysis from public surveys. Such surveys will include direct surveys, sample surveys with the senior citizens so that the real problem can be figured out and committee acts bridges the gap and help the cause.

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

This Bill seeks to make it a legal obligation for children and heirs to provide maintenance to senior citizens. It also permits state governments to establish old age homes in every district. Senior citizens who are unable to maintain themselves shall have the right to apply to a maintenance tribunal seeking a monthly allowance from their children or heirs. State governments may set up maintenance tribunals in every sub-division to decide the level of maintenance. Appellate tribunals may be established at the district level. State governments shall set the maximum monthly maintenance allowance. The Bill caps the maximum monthly allowance at Rs 10,000 per month. Punishment for not paying the required monthly allowance shall be Rs 5,000 or up to three months imprisonment or both.

The maintenance tribunal is a special court set up under this law. 24 states and 6 union territories have set up appellate tribunals for the same. Maintenance tribunals have to be set up by state governments in each sub-division and such court is supposed to have the powers of a normal civil court and can issue summons. There are many more which exist but what is lacking is implementation and a number of ambiguities arising through the verbatim of laws. It's high time is looked forward to and bring in more stringent measures. National Council for the elderly is a must and we should work forward towards it.

Other than law and its implementation there is a sector which is left untouched i.e. healthcare of the elderly. (*Desai, 2012*) It has been reported that not only smoking but obesity and sugar is also increasing due to unhealthy lifestyle. People continue to neglect their health and end up worsening their health conditions. As the message is very clear that in future elderly population is going to boom so we have to work towards better health facilities. In short, there must exist a well-planned mechanism in terms of health, pension and legal awareness (*Bloom, 2014*). There should be introduction of certain amount disposal from the government for the betterment of those elderly who retire from private sectors also. Henceforth income security is another important aspect that we should work upon.

QUESTIONNAIRE SURVEY

The main reason behind this a survey was to check and substantiate our claim as to whom many people especially the senior Citizens can use a smart phone efficiently and what is their take on dispute resolution system of our country presently.

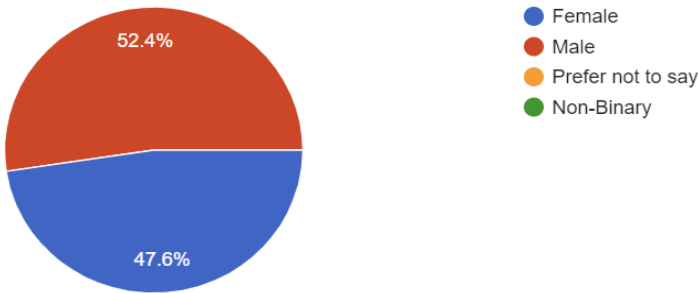
Findings:

- Demographics: We conducted an online survey so as to substantiate our proposed idea of a helpline

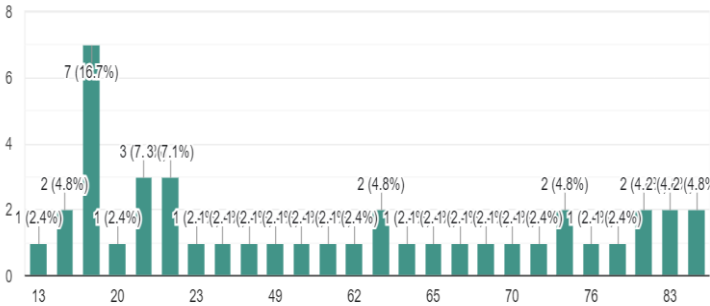
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number for accessing legal aid by the elderly. This survey was conducted in the region of Delhi NCR.

- Gender: Almost an equal share of Males and Females.



- Age Group: It was across various age groups but prominently focus was on the senior citizens because the entire set up is being introduced to reduce their hardships.



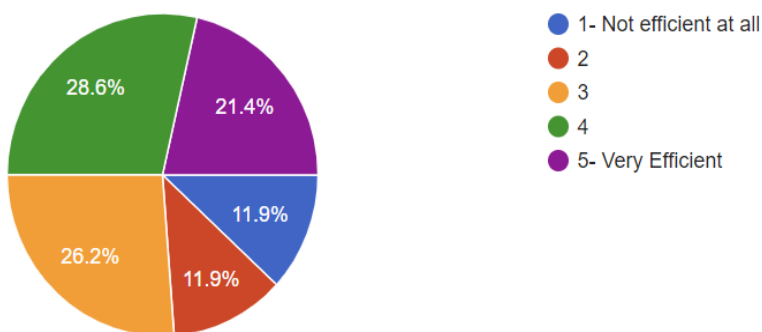
Awareness and Support

Question 1. On a scale of 1 to 5, how efficient are you in using a SMART PHONE?

It can be clearly seen that almost half chunk of people we surveyed in the senior citizen category find it hard to use a smart phone. This is the scenario of a urban city not any poor or sidelined region of our country. In present times many of the senior citizens live alone and there is nobody to look

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after them then in such situations whom should they rely upon.

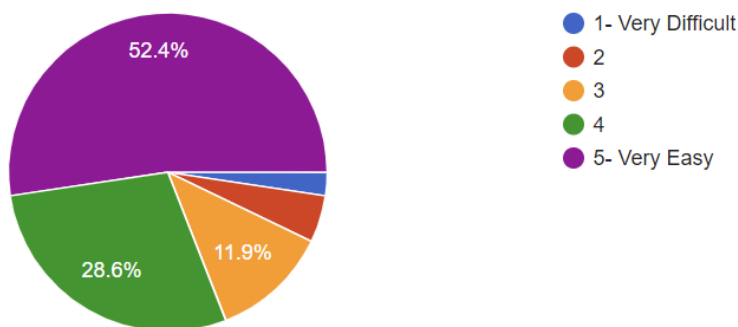


Question 2. On a scale of 1 to 5, how easy is it for you to just MAKE A CALL on any one of the devices of a mobile phone, a smart-phone or a landline?

Primarily, we thought a toll-free number for free legal aid for citizens above 60 years of age but the loophole to this idea stands in senior citizens efficient enough to use a smart phone. A toll-free number requires one to enter numbers in response to an audio menu on while being on call simultaneously. However, the language barrier or the ability to respond on call also emerged as points of practical difficulty.

Hence, it not a good enough solution since only half of the people surveyed find themselves as very efficient mobile phone users. A web portal or an AI chatbot were also amongst the ideas being aimed to propose, ideas to make dispute

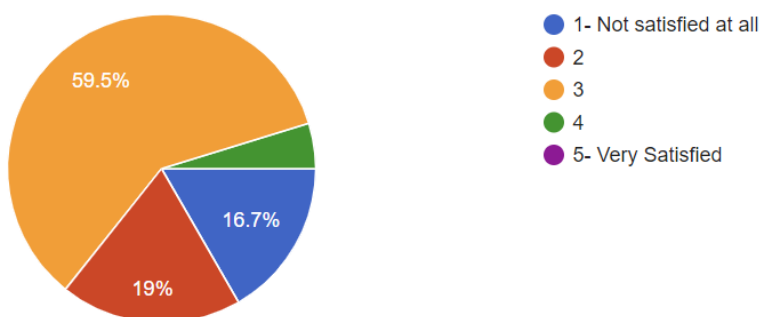
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redressal mechanism into a cakewalk and efficient that everybody, especially the solitarily existing elderly or are abounded by their own children could seek justice.

Question 3. On a scale of 1 to 5, how satisfied are you with the current dispute redressal system in India?

The dispute resolution system of India needs improvement in the opinion on the general public, even the special courts created for senior citizen lack agility and efficiency. Any general civil case at an average takes 7-8 years to come to a conclusion, every date i.e. hearing takes place once in six months due to overload in the courts. In order to suggest a change or make the process easier we took a review as to how many people would support a call for door-to-door mechanism.

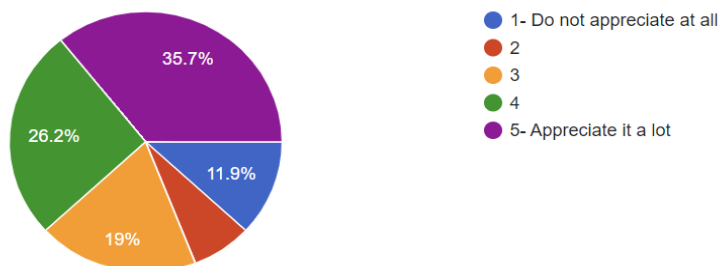


Question 4. On a scale of 1 to 5, do you appreciate the idea of a door-to-door legal consultancy mechanism which will be accessible through a help-line number, wherein a legal

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practitioner will come to your house and help you with the necessary subsequent steps?

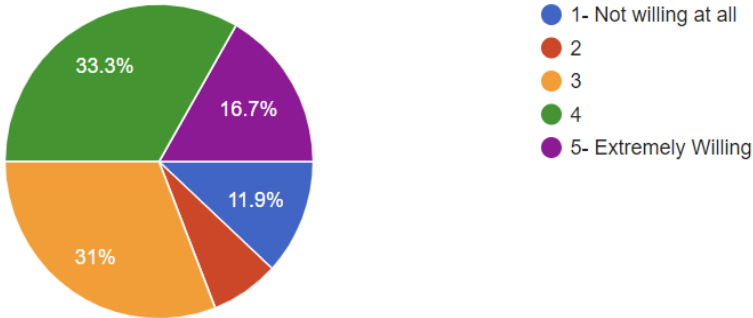
In brief, the idea is to create a helpline number like any customer service and with just dialling the elderly access to this free service and one can avail the benefits. It is bare minimum usage of the phone and at the same time creating employment for both the advocates as well as the call centre people. It will be a government-elected-group of people who will give this opportunity to serve the people through their knowledge.



Question 5. On a scale of 1 to 5, how willing are you to allow a service provider (a legal practitioner) to come to your house for helping you with your legal issues?

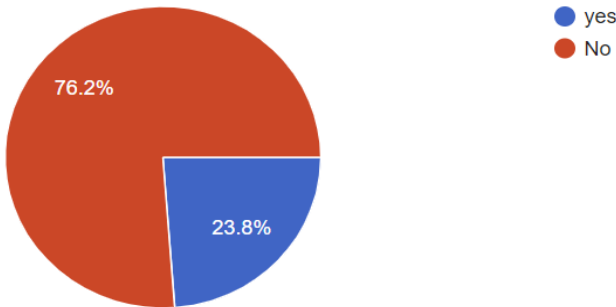
A service provider, a person who is an experienced legal practitioner can be called upon to help the people in whichever way they can. No hustle and the service at the door step would reduce the stress as to how and who would go to courts where there are long waiting period and no comfort. Leaving all these shackles behind this door-to-door mechanism can definitely benefit the senior citizens. Thus, empowering them.

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Question 6. Are you facing any issues that you would want a LEGAL REDRESSAL to?

Though the number of people we surveyed come from an urban household majorly and have lesser legal disputes or do not want to bring them to notice of the judiciary, but the elderly of this nation need aid and awareness of their rights and the duties of other towards them.



CONCLUSION

To sum up, the challenges in ensuring optimal care and support for senior citizens stem from sociocultural shifts associated with global economic and social development.

Traditional norms, which once considered elder care solely as a filial responsibility, are gradually evolving. Legal mechanisms are now in place to ensure state action in providing care for the elderly. Global initiatives on aging have influenced Indian policy and legal frameworks, with the MWP Act establishing statutory provisions for their support.

Over the past decade, the implementation of the MWP Act, 2007, has revealed its strengths, limitations, and challenges. A proposed amendment aims to address many of these issues, but there remains room for promoting effective implementation in the future. The growing population of senior citizens necessitates the development of appropriate social care systems to meet their anticipated needs.

Additionally, while in conversation with the sample group of the survey, which was largely urbanised, they revealed that even though they had legal concerns such as those of making their will, inheritance disputes, consumer complaints and more, they did not ‘bother’ to take them to the courts as they consider it to be a very tedious, cumbersome, economically and physically exhausting process. The aim of the judiciary should only be to improve on these grounds to make justice & remedy to the wrong caused easily accessible.

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BRIDGING GENERATIONS: TECH ENHANCED ELDER CARE, WELFARE & COVID-19

By Harsheen Kour^{48*}

ABSTRACT:

In the face of a global aging trend, technology is transforming elderly care. The UN predicts nearly 2 billion people aged 65 and above soon, up from 600 million. Technology bridges geographical gaps, fostering seamless communication between seniors and families, enhancing autonomy. In India, schemes like "NPHCE" focus on telemedicine, "Rashtriya Vayoshri Yojana" aids underprivileged seniors, and "Digital India for Senior Citizens" promotes digital literacy. Older adults show a positive disposition toward technology, leading to improved health and well-being. The COVID-19 pandemic highlighted technology's role in mitigating social isolation, with video conferencing and senior networks playing vital roles. Government initiatives, such as "Elder Helpline Services," offered essential digital support. As we anticipate a larger

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elderly population, technology in elderly care, backed by government initiatives and older adults' embrace, is set to enhance seniors' and caregivers' quality of life.

Keywords: *Social Technology, Elderly Care, COVID-19 pandemic, Isolation*

**INTRODUCTION: DEMOGRAPHIC SHIFT LEADING TO
INCLUSION OF TECHNOLOGY:**

The population aging and an increased life expectancy are widely recognized social changes. The elderly population is increasing at a rapid rate. According to the United Nations Population Division, by 2050 there will be 2 billion people over the age 65, compared with 600 million now. The growing demographic shift toward an aging population is poised to wield a profound influence on both societal dynamics and healthcare infrastructures. As individuals grow older, the intensification of cognitive, physical, and sensory constraints becomes more noticeable, leading to an increased prevalence of health-related issues. Furthermore, a predominant desire among the elderly is to gracefully age in their familiar abodes, fostering a preference for independent living over an extended period. However, the logistical challenge of regular medical visits for seniors grappling with restricted mobility poses a significant obstacle. In response, an array of innovative technologies has emerged, offering efficacious and inventive solutions to augment the daily lives of the elderly while concurrently upholding their health and wellness.

Numerous technological innovations have emerged to aid the elderly in their daily routines, encompassing computers, the internet, and digital healthcare tools. These advancements hold immense promise in bridging the gap between the desires and necessities of older individuals, empowering them to sustain autonomy, bolster their cognitive and physical health, and amplify their overall well-being. Nevertheless, older adults tend to exhibit a slower uptake of novel technologies compared to younger counterparts.

Consequently, comprehending the determinants influencing their inclination to embrace such advancements becomes pivotal in fostering elderly technology adoption. Over the past decade, extensive research has delved into the intricacies of elderly technology adoption across diverse domains, including healthcare, social networking, online commerce, internet usage, and entertainment.

ARE ELDERLY INQUISITIVE OF TECHNOLOGY?

In our modern landscape, technology permeates every facet of society, demanding engagement from even the most resistant to change. From the financial sphere to healthcare, technology has seamlessly woven itself into the fabric of everyday life, altering the very dynamics of our interactions and expectations. While adaptation to this digital age can elicit hesitation, particularly among older demographics, recent surveys showcase a remarkable shift. A staggering 89% of seniors aged 65 or above are actively engaged in email communication, while 62% seek news updates online, with a significant 34% doing so daily.

However, despite this burgeoning engagement, there remains a quarter of seniors aged 65 and above who abstain from the online sphere. Why this reluctance among some elders to embrace technology? The answers reside within a nexus of feelings, ranging from a sense of inadequacy to the perceived complexity of technological interfaces, compounded by insufficient guidance and support. Even as strides in technology for seniors are made, a select segment clings to preconceived notions about the intricacies and inefficiencies of technology, fostering a lingering reluctance to immerse themselves fully in this digital age.

Contrary to prevailing misconceptions, a growing curiosity and an insatiable eagerness to embrace technological advancements define a significant segment of the elderly populace. Far from the stereotype of older generations shying away from modern innovations, numerous studies and societal trends unveil a compelling narrative of seniors

actively engaging with and expressing a profound interest in technology.

This burgeoning interest finds its roots in a fundamental ***desire for connection***. Among the elderly, there exists a poignant recognition of technology's power—a tool capable of bridging geographical distances and rekindling familial ties. It's this yearning to remain connected with distant loved ones that often propels older adults to explore the realms of digital communication and online social platforms.

Yet, their curiosity transcends mere connectivity. For many seniors, the allure of technology lies in its promise of enhancing their daily lives. They perceive technology not merely as a gadget but as a gateway to convenience, unfettered access to information, and a reservoir of opportunities for entertainment. The quest for devices or applications that simplify tasks, facilitate learning, or enable the pursuit of hobbies fuels their interest and active engagement with modern tech.

Moreover, the desire for ***lifelong learning*** continues to pulsate within the hearts of the elderly. Technology, with its vast expanse of online courses, educational resources, and information repositories, serves as a beacon for those who seek intellectual stimulation and continual growth, regardless of age.

In the realm of ***health and safety***, technology's allure amplifies. Seniors gravitate towards wearable devices, health-monitoring apps, and telemedicine platforms not merely out of necessity but with an intrinsic understanding of the empowerment that these tools offer. They recognize the potential for these advancements to bolster their health management while ensuring a sense of security and wellbeing.

Lastly, the spectrum of ***engagement and entertainment*** woven by technology captivates the minds of seniors. From the immersive realms of social media platforms fostering

connections to the digital avenues offering games, streaming services, and stimulating content, technology serves as a conduit for intellectual engagement, entertainment, and staying abreast of current affairs. Indeed, the narrative of the elderly and technology unfolds as a testament to their active embrace of innovation. It's a tale that underscores not just a curiosity but a genuine thirst for the opportunities and connections that technology affords, transforming the narrative surrounding aging and technology engagement.

SENIORS, TECHNOLOGY & ELDER CARE:

Technological advancements and the pervasive use of the internet present a distinct opportunity to enhance the health and overall well-being of individuals aged 65 and above. Research increasingly showcases the manifold advantages that older adults derive from engaging with digital technologies, spanning enhancements in cognitive prowess, social connectivity, and emotional stability. Tools such as computers, internet platforms, and mobile applications emerge as pivotal assets, aiding in the management of health conditions and bolstering general well-being. Despite historically low adoption rates among older demographics, there exists a notable uptick in their technological uptake, narrowing the chasm between generations. As the world braces for a surge in global aging, the World Health Organization report has anticipated to see one in every six individuals surpass the age of 60 by 2030—the imperative lies in tailoring technological advancements to become more age-inclusive and user-friendly for this expanding cohort.

An aging population places increased demands on the senior care and healthcare sectors to ensure a high quality of life for seniors. Technology-enhanced elder care offers numerous advantages for both seniors and their families, facilitating personalized interactions and improving the overall quality of care.

- Video conferencing technology allows seniors to enjoy face-to-face conversations with loved

ones who may live far away, while video monitoring systems can help them interact with their doctors remotely if they live in a different city or state.

- Smart homes can make it easier for seniors to stay at home longer and enhance senior living by employing sensors to detect bed exits or falls, alerting caregivers through mobile apps. These sensors also monitor health indicators, detecting malnutrition or dehydration signs.
- Wearables are increasingly popular among older adults, aiding those with hearing difficulties to communicate through text messages. They also benefit individuals with limited mobility, reducing the need for constant travel due to driving limitations.
- Robotics technology finds diverse applications in elderly care, encompassing assistive robots adept at aiding tasks like medication reminders and physical therapy, alongside social robots designed to offer companionship and foster engagement.

On the healthcare front, some exclusive technology benefits like telemedicine, health appointments and purchasing medical supplies online among so-called ‘young-old’ seniors aged 60-75 years have been phenomenal especially during the unforeseen global crisis of Covid-19.

TECHNOLOGY TO BRIDGE GENERATIONAL GAPS:

In an era marked by rapid technological evolution and demographic shifts, the interface between generations, particularly the elderly and the younger populace, has undergone a profound transformation. The fusion of technological advancements with intergenerational connections has paved the way for unprecedented bridges

across age divides. This transformative synergy encompasses an array of case studies that vividly portray how technology serves as a catalyst in narrowing the gaps between the elderly and younger generations. These case studies, delving into the realms of video communication, collaborative learning, digital archives, and interactive activities, exemplify the pivotal role of technology in fostering intergenerational connectivity and understanding. Through these innovative avenues, technology emerges not merely as a tool but as an enabler of meaningful interactions, knowledge sharing, and familial bonds between disparate age groups.

1. Video Calling and Social Media Platforms:

In a landscape characterized by connectivity, the Pew Research Centre has illuminated a paradigm shift among older adults. Through the adoption of video calling and immersion in social media platforms, seniors have navigated distances, fostering familial ties regardless of geographical boundaries. These technological enablers have become conduits for shared moments, allowing grandparents to engage actively with their progeny, offering counsel, and participating in the day-to-day lives of their children and grandchildren.

2. Intergenerational Learning Programs:

Embarking on a transformative journey of education, community-based initiatives such as "Cyber-Seniors" and "Teniors" have scripted narratives of collaboration and knowledge exchange. The innovative synergy between older adults and younger cohorts in these programs has unveiled a profound trajectory. As the younger generation imparts technical acumen, the elderly navigate the digital landscape, fostering mutual understanding and bridging the generational gap. This intersection of wisdom and modernity becomes a gateway to shared learning experiences, transcending age disparities.

3. Collaborative Gaming and Tech Activities:

Within the realm of leisure, the nexus between grandparents and grandchildren has undergone a technological metamorphosis. Platforms like "Grandparents.com" have orchestrated harmonious symphonies of interactive gaming and tech-oriented activities. Here, the exuberance of youth merges seamlessly with the wisdom of age, as digital interfaces serve as arenas for bonding and shared experiences. Through collaborative endeavours in gaming and technology, generations find common ground, fostering understanding and fortifying familial bonds.

4. Digital Storytelling and Family Archives:

In the domain of preservation and narrative, applications like "StoryCorps" have emerged as custodians of heritage and familial lore. Offering a digital sanctuary for storytelling and archival preservation, these platforms have unlocked portals to the past. Through shared anecdotes and tales, the elderly impart wisdom to younger kin, weaving narratives that traverse generations. As these digital archives flourish, they become conduits for intergenerational understanding and legacy preservation.

5. Technology Workshops and Classes:

Nurturing an environment of continual learning, institutions have forged paths where generations converge to master technological frontiers. Workshops and classes designed for intergenerational participation have unfolded vistas of collaboration and mutual discovery. Here, the convergence of technological adeptness and cross-generational camaraderie engenders an atmosphere of shared learning, transcending age barriers and fostering a tapestry of shared knowledge and experiences.

CASE STUDY OF JAPAN:

In the midst of Japan's profound demographic changes, marked by rapid aging and a declining population with a

median age soaring to 48.4 years, the country grapples with economic and multifaceted challenges. Forecasts from the Japanese government paint a stark picture: by 2060, the proportion of elderly individuals will drastically surpass that of working-age citizens, intensifying pressure on public finances, notably in healthcare and pension expenditures, amid a shrinking tax base due to these seismic shifts.

Amidst these demographic challenges, Japan stands as a pioneer in leveraging technology to address care needs for its aging population. With initiatives funding innovative elder care robots, such as robotic dogs and lifelike furry seals, the government aims to mitigate the shortage of caregivers. These state-of-the-art creations not only assist in monitoring users and aiding movement but also engage in meaningful conversations, providing crucial support.

Moreover, Japan grapples with the highest percentage globally of individuals coping with dementia, which often leads to incidents like falls and missing persons. Proactive measures, such as the installation of Wi-Fi sensors in various towns, aim to address these challenges by tracking seniors living with dementia. This innovative approach ensures their safety and well-being within communities, marking a concerted effort to adapt to Japan's rapidly aging society.

Japan's healthcare market, ranking as the world's second-largest, has become a hotbed for digital care innovation, presenting lucrative prospects for the nation's private medical enterprises. Spearheading this wave of innovation, Sompo's Future Care Lab project emerges as a trailblazer, harnessing cutting-edge technologies tailored to meet the demands of Japan's aging population.

This initiative introduces pioneering products designed to empower the elderly towards greater independence. Among these innovations are Artificial Intelligence wheelchairs, capable of autonomous navigation along pre-determined paths, a versatile convertible bed, and body sensors tailored for bath and bed. These breakthrough solutions aim to

enhance the quality of life for elderly individuals, facilitating a more autonomous and comfortable lifestyle.

EMPOWERING SENIORS:

Empowering seniors to become tech-savvy is essential in the ever-evolving landscape of healthcare and daily living. To support seniors, provide user-friendly tech solutions, training, and encourage connections via video calls and social media. Foster curiosity for technology's role in simplifying tasks, from medication management to virtual experiences, creating independence and fulfilment.

- The ***Pew Research Centre's*** data reveals that seniors are increasingly adopting new technologies, with 34% of seniors aged 65+ owning tablet devices as of 2021, thus encouraging continuous learning and adaptation to technology.
- A study published in the ***Journals of Gerontology*** found that peer-led technology training programs had a positive impact on seniors' technology adoption rates. Emphasizing the need of peer groups among elderly.
- The ***Stanford Centre on Longevity*** conducted research demonstrating that technology solutions tailored to seniors can improve their overall quality of life. E.g., medication apps, virtual fitness classes, etc.
- The ***National Council on Aging (NCOA)*** reported that seniors who engage in lifelong learning opportunities tend to have better mental health and cognitive abilities, thus, emphasizing the need to promote open and lifelong learning among seniors.

**ADVANCING SENIOR WELFARE IN INDIA: GOVERNMENT-
LED TECHNOLOGICAL INITIATIVES:**

The unprecedented increase in human longevity in 20th century has resulted in the phenomenon of population ageing all over the world. The population over the age of 60 years has more than tripled in last 50 years in India. As per the census 2011, the number of elderly people (60+ years) was 103.83million and is projected to increase to 133.32 million (2021), 178.59 million (2031), 236.01 million (2041) and 300.96 million (2051).

- ***National Programme for the Health Care of Elderly (NPCHE):*** The Ministry of Health & Family Welfare initiated the “National Programme for the Health Care of Elderly” (NPHCE) in 2010-11, aiming to address the diverse health-related challenges faced by the elderly. Aligned with international and national commitments outlined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the National Policy on Older Persons (NPOP), and Section 20 of “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007,” this program underscores the provision of medical care for senior citizens.

This initiative focuses on affordable, high-quality long-term care for seniors, promoting active aging and telemedicine. It aligns with government programs and utilizes technology and mass media for effective Information, Education & Communication (IEC) activities.

Functioning on a state-oriented approach, the program's primary thrust is to furnish specialized healthcare services to individuals aged above 60 across primary, secondary, and tertiary health care levels. The core objectives encompass ensuring accessible, affordable, and high-quality comprehensive care for the aging population while

creating an enabling environment that fosters Active and Healthy Ageing. The program emphasizes convergence with entities such as the National Rural Health Mission, AYUSH, and other pertinent line departments, promoting an integrated approach to elder care.

- ***Rashtri Vayoshri Yojana***: It is scheme for providing Physical Aids and Assisted-living Devices for Senior citizens belonging to BPL category. Initiated in 2017 under the aegis of the Ministry of Social Justice and Empowerment, this program operates as a central sector scheme, drawing financial support from the Senior Citizens' Welfare Fund. The implementation of this initiative falls under the purview of the Artificial Limbs Manufacturing Corporation (ALIMCO), a Public Sector Undertaking operating under the Ministry of Social Justice and Empowerment.
- The "***Digital India for Senior Citizens***" scheme, part of the broader "Digital India" program, promotes digital literacy among senior citizens to enable their participation in the digital age and access online services, enhancing their overall quality of life. The 'Digital India for Senior Citizens' initiative aims to bridge the digital divide by empowering the elder population through digital literacy and access to technology. Its primary objectives include:
 - Enhanced Digital Literacy: To impart digital literacy skills among senior citizens, enabling them to navigate and utilize digital tools, devices, and online platforms effectively.
 - Accessibility and Inclusivity: To ensure that senior citizens have equitable access to digital resources, services, and

information, fostering inclusivity in the digital sphere.

- Tailored Services and Support: To provide specialized digital services and support systems tailored to the needs and preferences of elderly individuals, facilitating their active participation in the digital age.
- Promotion of Digital Health and Well-being: To encourage the use of digital technologies for accessing healthcare information, telemedicine, and wellness resources, promoting the overall well-being of senior citizens.
- Community Engagement: To create digital platforms and initiatives that facilitate community engagement, social connections, and lifelong learning opportunities for senior citizens.
- Collaboration and Partnerships: To collaborate with various stakeholders, including government agencies, private sectors, and NGOs, to build a robust ecosystem supporting the digital inclusion of senior citizens.

The initiative seeks to leverage technology as a tool for enhancing the quality of life, independence, and participation of senior citizens in the digital realm.

TECHNOLOGY, SENIORS & COVID-19:

Amidst the global surge in digital adoption, the internet witnessed a staggering rise, welcoming 316 million more users, amplifying connectivity for a total of 4.66 billion individuals worldwide. Significantly, social network users soared by 500 million to reach a total of 4.2 billion, while

mobile devices emerged as the dominant 'top' screen, embraced by 5.22 billion users globally, constituting 66.6% of the total population. The seismic shift towards digitalization was propelled further by the COVID-19 pandemic, which imposed widespread confinement measures, fostering an even greater digital presence. However, the imposed social distancing and mobility constraints compounded social isolation, notably impacting older individuals.

In this context, Information and Communication Technologies (ICTs) emerged as paramount tools for emotional connection, significantly expanding their sphere of influence. Notably, the demographic of 'silver surfers,' individuals aged over 50, experienced the most rapid growth on leading social platforms. Facebook, for instance, witnessed a staggering 25% increase in users aged over 65 in the last year, reflecting a notable trend among the elderly towards digital integration. Beyond social connectivity, the increased usage spanned e-commerce, telehealth for mental well-being, education, and remote working, showcasing a comprehensive shift towards digital reliance.

Moreover, older adults consistently emphasized the significance of technology in their daily lives, especially evident during crisis situations like the COVID-19 pandemic. Technology emerged as a lifeline for older individuals, enabling substantial connectivity with people and access to valuable information. Studies underscored an increased inclination among seniors to utilize technology, particularly for social engagements like video calls, social media interactions, and emails, in response to the pandemic.

The realm of technology facilitated diverse activities across social, leisure, and educational domains. These encompassed communication via emails, video calls, and social networking, indulgence in leisurely pursuits like social gaming, watching movies, or listening to music, and engagement in educational endeavors like reading or attending cooking classes. These domains held significant

meaning for older adults, actively contributing to their mental and physical well-being. Conversely, a decline in their involvement in these realms might potentially lead to diminished health outcomes.

Technologies to support seniors during the COVID-19 pandemic:

- Aged Care Facilities Implementing Telehealth: Many aged care facilities adopted telehealth solutions to connect residents with healthcare providers while reducing the risk of exposure.
- Senior Living Communities Embracing Virtual Activities: Senior living communities worldwide transitioned to virtual activities and events to combat social isolation among residents.
- Elderly Care NGOs Offering Tech Training: NGOs focusing on elderly care expanded their services to include technology training.
- Elderly-Focused App Development: Some tech startups developed apps tailored to the needs of senior citizens during the pandemic. An Australian startup created an app specifically designed for seniors. It offered medication reminders, health tips, and social features to help seniors stay connected with loved ones, thereby ensuring their well-being and mental health.

CONCLUSION:

The emergence of a technologically integrated society has ushered in transformative dynamics, particularly in the context of seniors and their engagement with digital innovations. From bridging intergenerational gaps to revolutionizing healthcare and elder care, technology stands as a pivotal force shaping the narrative of aging. Amidst the demographic shift towards an aging population, technology has been instrumental in enhancing the lives of seniors, fostering connectivity, enabling independent living, and supporting health and well-being.

The surge in digital adoption, further accelerated by the global COVID-19 pandemic, has underscored the profound impact of technology on seniors. While the data showcases a notable increase in technology adoption among older adults, challenges persist, including the digital divide and reluctance due to perceived complexities. Addressing these challenges requires a concerted effort, emphasizing tailored technological solutions, comprehensive digital literacy programs, and community engagement initiatives to empower seniors.

The case study of Japan stands as a testament to the transformative power of technology in addressing the needs of an aging population. Innovations in elder care robotics and digital healthcare solutions exemplify Japan's pioneering approach to leveraging technology for senior welfare. Similarly, India's government-led initiatives underscore a commitment to enhancing the lives of seniors through digital literacy programs and healthcare provisions tailored to their needs.

In navigating the evolving landscape of technology and seniors, fostering curiosity, promoting lifelong learning, and tailoring technology to suit the needs of the elderly emerge as crucial pillars. Bridging the generational gap through collaborative platforms, intergenerational learning programs, and digital storytelling endeavors enriches the lives of both older and younger demographics.

As society progresses into a digital age, ensuring that technology remains inclusive, accessible, and user-friendly for seniors becomes imperative. Empowering older adults to embrace technology not only fosters their independence but also facilitates their active participation in an increasingly interconnected world. Ultimately, the intersection of technology and senior welfare holds the promise of transforming aging into an era of continued growth, connection, and vitality.

ENDNOTES

- Elderly care with technology: An overview of current trends and their impact on elder care. (2022).
- The benefits of social technology use among older adults are mediated by reduced loneliness.
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