



A SOCIO-LEGAL STUDY OF HUMAN RIGHTS OF SENIOR CITIZENS IN INDIA

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ABSTRACT

Human is the best creation of God above all other creations and without having proper laws or human rights, it is impossible for humans to live on this Earth. Senior citizens are also the part of our human society but inspite of so many laws and human rights they still gets exploit in one or the other way sometimes by their children or by their grandchildren or at public places or any other local places. Why it is so happening? Why they are being treated on a bad note as burden on our society? Senior citizens also have right to equality and personal liberty like other human beings but according to some minds in Indian society, the disrespect, the loneliness or the depression they faced are all the normal and general problems faced by them in this age-group. But in true it is not like that. They are those problems which are given to them by the society and not by the nature.

Introduction

According to law, in India senior citizens are those people who all are above the age of sixty years. For their rights, special act is made by the parliament of India namely Maintenance and welfare of Parents and Senior citizens act 2007. Under this act various rights regard to the old age people are stated and various laws are mentioned for their welfare and maintenance. United Nation Organization also have some plans for the senior citizens as they have to achieve 2030 agenda which is not possible without empowering older persons in all aspects of development. They will focus on giving equality to all the people of the society irrespective of age, sex, race, caste, and place of birth or on any other ground. According to the Constitution of India, Article 14 gives the right of equality, Article 19 gives the right of freedom of speech and expression with reasonable restrictions, Article 21 grants the right of life and personal liberty and Article 32 in which any person can move to Supreme Court for the violations of fundamental rights directly.

Problems faced by the Senior Citizens

Senior Citizens due to their old age face lot of problems and difficulties. In this age they have great effect on their psychology and on their emotions as they are surrounded by negativity and bad-vibes. They feel lack of love and care towards them from their family and relatives as nobody have time for them and everybody ignores them and takes them as burden. Some of the problems are mentioned below-

1. Feeling of ignorance.
2. Violence done to them.
3. Lack of love and care from family and relatives.
4. Loneliness.
5. Felt abandon.
6. Lack of basic needs.
7. Violation of Human Rights.
8. Health problems.
9. They do not know how to operate new technologies.
10. Faces wrong behavior towards them.
11. Problem of travelling.
12. Faces technologies.
13. Atrocities faced by them.
14. They are treated as slaves at home.
15. Nobody gives proper time to them.

Case laws related to the atrocities on the senior citizens in India

1. **Francis Coralie Mullin vs. Administrator, Union Territory of Delhi**

The right to life stated under Article 21 of the Constitution of India provides that the basic needs may be fulfilled only if the Senior Citizens are provided with specific pension.

2. **Vincent Panikurlangara vs. Union of India**

In the right to health of all the men and women, Senior Citizens are also included.

3. **Senior Citizen welfare organization and another vs. State of Uttarakhand and another**

Under this case it was ensure that Senior Citizens shall not get a raw or rough treatment anymore.

4. **Srista Devi vs. State of Punjab and ORS**

It was held that the Senior Citizens are entitled for the Maintenance **under section 5 of Maintenance and welfare of Parents and Senior Citizens Act, 2007**

Socio-legal Human rights of Senior Citizens in India

In Indian societies get-togethers are being conducted on frequent notes among the relatives but the elder people does not get involved in such parties as they seems to be a burden on them. In ageing, the senior citizens automatically gets shrink socially and they start feeling isolated. In public places like hospitals, banks, stops, they have to wait for hours and thus get humiliated. Due to their health issues they face lot of problems in daily works. Some laws are emerged in the favour of the parents to reduce the atrocities on them by their children. Some of them are-

1. Son-in-law and Daughter-in-law too would be responsible for the care of the old people by the Amendment Bill 2018 of The Maintenance and Welfare of Parents and Senior Citizens finalised by the Ministry Of Social Justice And Empowerment.
2. Maintenance shall be received by the elders from their children according to section 125 of The Code Of Criminal Procedure
3. According to Delhi High Court, under Maintenance and Welfare of Senior Citizens Act, the elderly could file an application for the eviction of their child or legal heirs on the grounds of non-maintenance and ill-treatment.

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4. According to section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007— Gifted property to their children by the transferee shall be declared void by the transferor on the grounds of non-maintenance and ill-treatment.

Human Rights of Senior Citizens

1. Right to live with dignity.
2. Right of food, shelter and clothing.
3. Right to personal liberty.
4. Right to health.
5. Right to money.
6. Right to care.
7. Right to residence.
8. Right to safety and security.
9. Right to transport.
10. Right for special privileges.
11. Right to self-respect.
12. Right against discrimination.
13. Right to property.
14. Right against harassment.
15. Right against violence.

Comparative study of problems of Senior Citizens in India in context of Joint families and Nuclear families

In India, Nuclear families are those families which consist of Mother, Father and their Children but not including aunts, uncles, grandparents, etc. Her Parents suffer loneliness more than the Parents in Joint families as children walk-out of the home as per according to their studies and carriers and they are left alone in the home after that. As compare to Nuclear families, in Joint families if grandchildren or children walk out of the house for their studies, Parents are still there to care for the Senior Citizens of the house and to maintain them properly. The Senior Citizens are much more comfortable in joint families as compared to Nuclear families. Senior Citizens are the responsibility of each and every citizen of the family and they shall be take care properly but Nuclear families lacks such care and love towards the Senior Citizens of the house. In Nuclear families, the Senior Citizens have to do their work on their own but in Joint families their work is done by the other family members of the house. Due to lack of patience among the family members in the Nuclear family, Senior Citizen suffer more of their frustration and irritation in comparison with the Joint families, therefore Joint families are far better than Nuclear families in welfare and maintaining the Senior Citizens of the house.

Comparative study of problems of Senior Citizens in context of Urban areas and Rural areas

As we all know that in Urban sectors life is fast as everybody is so busy in their own lives and barely everyone has anytime to spend with others, especially with the Senior Citizens in their areas or in their families whereas in Rural areas people spend time together and live with love and affection by sitting in one place in groups. In Urban areas people send their Parents to the orphanages just to escape from taking care of them and spending time with them but in Rural areas people are more loving and they love to take care of the Senior Citizens of the family and to complete all of their wishes. In Urban areas, children go for their jobs, colleges or for works and then Senior people of the house have to stay alone at home but in Rural areas not only the family members but the neighbours are also loving and caring therefore the elder people don't get alone at all and their time is also easily spent with them all.

Remedies and Suggestions

Remedies and suggestions in respect to the Senior Citizens problems and their violation of human rights in India are as mentioned below—

1. Proper schemes shall be made for the benefit of Senior Citizens by the Government of India.
2. Their human rights shall be made aware to them by the Government of India.
3. Proper facilities shall avail to them by the Government of India who all are suffering financially.
4. Their pensions provided by the Government of India shall increase within proper intervals.
5. Government shall make old-age homes for those Senior Citizens who don't have anyone for their care.
6. Proper Non-Governmental Organization shall be established to provide basic facilities to the Senior Citizens of the country.
7. Government shall make such law as to provide general public facilities i.e. banking facilities, hospital facilities, etc. to their homes. They need not come out of the house and causes discomfort for the same.
8. Separate clubs shall be establishing for the Senior Citizens in every district and villages of the country by the Government of India of health, sports, entertainment, etc.
9. Their transport fares should be less in comparison with other citizens of the country.
10. Entry in libraries should be free for them in the whole country.
11. Family members shall remain in touch with them in communication terms.
12. They should be send for vacations in proper intervals by the family members.
13. Senior Citizens should be encouraged for yoga and fitness through awareness programmes by the Government.
14. For the Senior Citizens who are not financially well, health facilities should be free for them by the Government.
15. Strict laws should be made to prevent the violation of their human rights.
16. Government shall merge the orphanages and the old-age homes so that both the generations get their love and affection.

Conclusion

If we think on a serious note then Senior Citizens are the soul, spirit, and root of their families and their welfare and maintenance should be done properly. But the ill-treatment they are facing in the society is very much condemnable. They should be treated well as according to The Constitution of India, Article 21—everyone has a right to live with dignity and personal liberty. For providing love and affection to them the best possible thing that Government can do is—merge the orphanages and the old-age homes so that the elders and the children get a beautiful and light environment to live in. Overall by observing all the advantages and disadvantages subject to the human rights of Senior Citizens, disadvantages are more and they should be reduced to maintain good and healthy environment in the society and to encourage and motivate the elder persons so that they can live their life peacefully and in addition with harmony

References

1. Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
2. Article 14: Constitution of India.
3. Article 19: Ibid.
4. Article 21: Ibid.
5. Article 32: Ibid.
