

Constitutional and Statutory Provisions for Protecting Human Rights of Senior Citizens in India

Dr. Prem Prakash (Assistant Professor)

Rajeev Gandhi Law College Tonk, Rajasthan

Abstract

The study seeks to examine the adequacy and efficacy of the existing legal framework and its mechanisms both statutory and non-statutory in protecting the rights and dignity of senior citizens or persons of and above 60 years of age. The study analyses the biological phenomenon of ageing and its impact on human rights. It analyses the various positive and negative rights of senior citizens. It assesses the extent to which existing legislations, policies, schemes and programs for the aged help satisfy the manifold rights and dignity of senior citizens.

Keywords: - Senior Citizens, Human Rights, Law, Government, Age, Population, Right, Legislation, Maintenance, Welfare, Parents

Introduction

The Human Rights Act of 1993 states that "Human Rights mean the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India." These rights include the right to life, liberty, equality, and dignity. The idea of human rights did not become widespread until the 20th century. In the past, people frequently referred to it as natural rights or the rights of man. In Europe throughout the 18th century, a number of political philosophers established the idea of 'natural right' in accordance with the rule of nature. These are the rights that are inherent to a person both by virtue of the fact that he is a human being and by virtue of the fact that he is a human being, and not by virtue of the fact that he is a citizen of a specific nation or a member of a certain religion or ethnic group.

The adoption of India's Constitution in 1950 marked the beginning of the country's modern era of respect for human rights. The concept of human rights in old India is somewhat different from the contemporary interpretation of the term. There, the society served as a guarantee, but in modern times, it is the state that is responsible for protecting people's rights. As a result, despite the growing awareness of human rights, there are still abuses occurring all over the world. The state machinery is not the only source of violations; violations have also taken place in families, neighborhoods, and workplaces, in addition to being committed by a variety of non-state entities such as religions, political parties, and other ethnic and cultural groups.

The Constitution of India has granted equal rights to both men and women but still women face extreme discrimination and violence and thus occupies low status in Society. Discriminatory mind-set towards women has existed since many centuries and has affected the lives of women. Preference for son is very strong compelling parents to go for unwanted sex determination test and aborting their fetus. Haryana's declining sex ratio, child sex ratio and sex ratio at birth portrays the discrimination towards women at the stage of birth or before birth. If a girl child is born then she is subjected to other forms of violence like lack

of education, she is not given food at home and she denied of her freedom, not allowed to play or speak freely. A brother is given pocket money but she is not given. After this stage she is victims of crime directed specifically at them, rape, kidnapping and abduction, dowry-related crimes, molestation, sexual harassment, eve-teasing, honour killings etc. Women are being trafficked for sex, harassment at workplaces and tortured in family and society. The statistics presented in the National Crime Records Bureau report 2020, re-affirm the rising trend of crimes against women. Women have been the victims of exploitations since long time in different fields in their life both physically, socially, mentally and economically.

Human Rights Abuse on Senior Citizens:

It is necessary to analyze the root causes for the human rights abuse on Senior Citizens in the society, the primary causes for this changes in our value system are:

A. Transition from Joint Family to Nuclear Family.

B. Modernization and the Cultural Transition in India.

Transition from Joint Family to Nuclear Family:

In today's world, joint families are a thing of the past. Nuclear families have become trendy and almost everyone seems to be following the trend. People don't have the time to share the joys and sorrows of their very own kith and kin. They move off to live in a world of their own. This reduces the love they experience as well as their ability to love others. They have time only for themselves. Their work, immediate family members and the very few activities done for the sake of providing themselves entertainment restrict their thoughts, imagination and expression of emotions.

Facing Loneliness:

The scenarios in joint families are completely different from those of nuclear families. There is someone or the other with everyone all the time. People hardly feel lonely in joint families. They share their lives with all their siblings, children and their parents. They experience a lot of love and warmth in joint families. This is something that cannot be matched by any other love and warmth. Each member's problem or happiness becomes a problem or happiness for the entire family.

Loss of Emotional Support:

At home in a joint family, every member shares his/her life with the rest of the family. The joys and sorrows of each member become the joys and sorrows of the entire house. During any time of crisis the elders who have to take responsibility, are emotionally supported by everyone else at home. The burdens of the problems are shared by everyone and so the weight of the actual problem on the elders is reduced.

No one to Share their Feelings:

Emotions play a big role in every person's life. As emotion brew up, the more they are shared with others the easier it becomes to deal with them. Every emotion has its own effect on the person who experiences it. In a joint family, people are more open to sharing their feelings with others. Even if they try to hide their feelings someone or the other will be able to make out what has upset them. Happy feelings are shared with the rest of the family and this multiplies the happiness Youngsters and working people are able to overcome or suppress emotions since they may have a lot to do and more of support from the society that they associate with Elders tend to have few associates and so chances of having people close enough to them with whom they can share their feelings with are few.

Feeling of Less Security:

The comfort that comes from having a big family is unmatched by anything else. No security guard or team of commandos can make you feel as safe as a big family can. Elders spent their whole lives in this kind of family. Even if they didn't know, they would have felt safe with their family in a way they had never felt anywhere else. It would always be in the back of their minds that they had people they could count on for anything. This gives them more courage and makes them stand up for what they did even more. When there were a lot of people, it was easy for everyone to share the responsibility of making sure everyone was safe. Everything changes when they have to live alone or in small groups.

Modernization and the Cultural Transition in India:

"Everyone is born free and with the same amount of rights and respect as the next person. They possess reason and conscience, and as a result, their interactions with one another ought to be characterized by a sense of brotherhood." It is quote from the United Nations Universal Declaration of Human Rights, Article. Here it means that each of us is responsible to maintain human dignity and rights. But we fail to maintain this with our fellow men at large. The worst part of it is the failure to maintain within the family, with our own parents and grandparents.

The focus of the study is abuse of elders in their own families. It is a culture that is being adopted today that parents are sent to old age homes. It was a part of modernization in west. But it has turned out to be a fashion in India. Is it a blessing or a curse on younger generation? Are we from the basic human values? These are the question to be asked by each of us personally. The social awareness has to be brought out on this issue. The condition elders in west are different from that in India.

Intellectualism:

The height of intellectualism is seen a case where a son asks his mother to get out of house because she is not educated enough to relate with his friends and other associates of the family. Hence she was sent out by her own son.

Practicability:

An importance is given to the practices aspect of life than other non-practical aspects. A son used the same measure with regards to his mother; her stay in the house causes the practical problem of lack of place and congested surroundings. Hence the only son of hers throws out his mother for the practical difficulty of lack of space to accommodate his elderly mother at the age of.

Consumerism:

Consumerism has taught us the method of use and throw. A woman adopted a girl at the age of t and brought her up. Now the girl is an airhostess. She is in love with a man who is a pilot. But she asked her foster mother to leave the house because she would be a hindrance to her marriage as she wants to marry a person of high standard and her foster mother would be an object of degrade since she lacks modern culture. It shows her consumerist character.

Individualism:

Individualism has misled us into the direction that elders are against our individual freedom and privacy. Today one of the marriage conditions from the bride that parents of the bridegroom won't live with their son. A man sent out his mother because his wife is not willing to live with him. The height of individualism has

taught him to be so selfish that he came to take his mother back when he wanted someone to take care of his child.

Conclusion

Even though the number of older people in a developing country is growing quickly, there is no special attention on their rights. So, most Indians still don't care much about protecting the rights of older people. Largely, over the years, India has developed into a complex society, with a wide mix of traditional values and modern lifestyle. Housing in old age: most old people live in their own houses, with their families, but their living conditions are not comfortable and their harassment/mistreatment has become a common phenomenon. Housing conditions of most elderly are not healthy and comfortable. In urban areas there is an emerging trend of institutional care of older people living alone. There is a striking increase in destitute, abandoned and dejected elderly, mostly in big cities, forced to live in pathetic conditions without any support system.

There is a contradiction so far as financial status of older people is concerned. Many older people have higher net worth value but they are hardly financially independent. They have to depend on their family members for their financial matters due to factors like financial illiteracy, declining health status, dependence on family members, etc.

Despite willingness and ability to work in old age, there are hardly any gainful engagement opportunities for older people to get decent job and keep them active. In urban areas elderly people are suffering a lot due to non-availability of gainful engagement in old age.

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