

Silent Voices and Invisible Bruises-Unreported Abuse against the Senior Citizen

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Abstract – *The growing number of old age homes and cases of reported and unreported abuse against parents at the hands of their children and relatives is a cause of serious concern for any society. While the Government and the laws provides for means to protect the rights of senior citizens in India and several NGOs working to help the senior citizens , the legal machinery has a long way to go before we can actually provide some relief to this section of our population. The very use of word “May” instead of “shall” by our law makers while drafting Bills, or putting the rights of senior citizens under the Directive Principles of the Constitution, neither the State nor the Centre makes most of the provisions enforceable under law. Need of the hour is more stringent laws and a stronger society with values that teach us to take care of our elders and learn from their vast reservoir of knowledge and experience. The youth today must not forget that they will be senior citizens tomorrow.*

Key words: Old Age Homes, Abuse, Youth, Senior Citizens

INTRODUCTION

The story by Leo Tolstoy “The Wooden Bowl” holds relevance even today. The old, our senior citizens were and still are the victims of domestic violence and abuse and the only way this situation can change is if the young members of society oftoday, just like the characters of the story, realise that they will also be old one day and therefore they should treat their parents with love, dignity, honour, patience and respect if they want to be treated the same way by their children when they grow old. Governments world over have enacted laws to protect the rights of senior citizens. In India too, their rights are protected by the Indian Constitution and a series of laws have been made to protect them and provide them with a safe environment. Despite that we see the number of old in old age homes and cases of abuse reported by parents going up daily. All cultures have taught taking care of the elderly but with cultural values being kept out of the classrooms, as a society, we seem to have also thrown morality out of the window

Mushrooming Old Age Home – Indicator of Senior Citizen sad plight in the country

Every other day we see advertisements of old age homes coming up in our country, some of which provide luxury accommodation while others are budget accommodations. The question to be asked here is - Why do we need such homes today? Around 50 years ago we did not have the concept of old age homes; it was more of a western concept. Five decades ago in India, joint family and

community living was the norm of the day where the family and the community lived as one unit and acted as a support system for the children and the elderly. But today the change from joint family system to nuclear families and children venturing out to new cities for jobs or even going abroad often leaves the parents alone having no one to take care of them in their old age. Today, opting for old age homes is a chosen path by many elderly parents, almost like going to “Vanprastha” ashram, just a little different as they do not want to live with their children for a) not wanting to be a burden on them, b) they want their independence or c) the children do not want to keep them.

While the old age homes can provide a solution to parents who fall in the category a) and b), the newspapers and all social media is full of articles of parents who are in category c) and who have been abandoned, tortured and abused by their children. It was shocking for me when the mother in law of a neighbour that I used to talk to often showed up one day with bruises asking for help as her son and daughter-in-law had beaten her up for not completing household work. When I started talking to other friends, stories kept tumbling out of the closet of how there were several parents left by their children suffering in India when they moved abroad after a good education which their parents paid for and then never came back for or took responsibility of their parents and several of these parents took shelter in old age homes after having spent all their savings for the education of their children and their bright future. Old age homes in

India, which are not advertised in the newspapers or social media as the chosen place to live after retirement and are tucked away in nooks and corners of the country, have several such horror stories to tell.

A video by Ravish Kumar of his visit to an old and abandoned old age home in Badarpur in Delhi and his report brings us very close to such horror stories of parents being abandoned by their children or left to die in the streets, tortured and abused by their children, and stories of how they do not come to cremate their parents even after their death because they are too busy or out of shame and guilt.

While there are some elderly who opt for or are forced to stay in old age homes, there is also a section of the elderly population who stay back home with their abusive children for disrespect in society or blind love for their children or simply because at least they have a roof above their heads even if they are tortured. The social media is full of such horror stories and videos. I met a family where the daughters are willing to take care of their parents who are being abused by their sons and daughters in law but they still stay with the sons for the norms of the society say that parents should live with sons and not daughters. They do not even allow the daughters to file a complaint because people will laugh at them.

The growth of such old age homes and the number of elderly in India is a ticking time bomb in India. India is often called a young nation with a rapidly growing young population but what we often tend to overlook is that the other factor contributing to our growing population, is the growing number of our elderly or senior citizens. Thanks to advancement in medicine and vaccines, the average life spans of people have gone up all over the world including India. But while the life expectancy of the senior citizens has gone up because of the availability of medicines and better healthcare facilities, the dependency ratio of the old on the young is fast increasing and this is not good for any economy or society because when the children start feeling the financial burden of healthcare expenses of old parents very often, they tend to abandon their parents even though some of them also have a source of income as pension or property rentals. Not just financial, I have also seen children not taking of their parents if they need to be cared for even for their basic daily activities as using the washroom or eating. The level of patience which a parent shows when taking of these needs of their children is sorely lacking in the children when their parents need the same.

There is therefore an urgent need today to design legal, economic and social policies to address the problems of the growing elderly population.

Provisions for Senior Citizens in our Religious Laws

Most religious laws in India provide for protecting the rights of the senior citizens. The Hindu religious laws states that it is the responsibility for the children to look after and care for their parents. Similar laws are found in Muslim laws also where both sons and daughter are obliged to take care of the elderly as per their means. The Christian and the Parsi law state that the elderly can take recourse under the criminal law.

Provisions for Senior Citizen in our Constitution

The makers of our Constitution were farsighted enough to provide for rights of the senior citizens in under **Articles 41 and 46 in Chapter IV of the India Constitution**. Under Article 41, the senior citizens are assured of their right to education, and employment and also public assistance even in cases of disability, old age or sickness. The Article 46 says that the economic and educational rights of our senior citizens must be protected by the state.

However, critics point out that Chapter IV of the Constitution corresponds with the Directive Principles which cannot be enforced in any court of law. While the states have been placed under an obligation to apply the Directive Principles while framing policies, it is very unfortunate that till date States have not made even one act to ensure that the elderly are taken care of legally, economically and socially.

Government Bills and Policies to provide relief and support to Senior Citizens

In 1999 the government introduced the **National Policy for Older Persons**, people above the age of 60 to provide some economic and financial relief to the senior citizens. As per the policy the senior citizens were given 30 percent **concession in railway tickets** and 50 percent in air tickets.

The Policy also proposed to create a pension fund for the people who were not employed in the private sector where pension schemes were not available. They also proposed creating old age homes, and providing for medical care facilities for the poor in the hospitals especially related to old age issues as geriatric issues.

Critics have however pointed out that while the ticket concession facility has been widely availed by the senior citizens, we still have to see the pension fund be set up and people in the unorganised sector are still without any source of income after retirement. The **Pradhan MantriShram Yogi Mandhan** (PMSYM) sought once again to formalise the policy to provide pension to the people in the unorganised sector,

but in the absence of any proper legislation and lack of education and awareness, we have to wait and see if this program is successful in resolving the issue of pension in the unorganised sector and actually be able to help the senior citizens. The **old age and day care centres** have also not been built as per the policy and even the few that have been built are in very poor condition. In our capital, Delhi, with a population of around 2 crores, we have only around 2 or 3 government run old age homes which are also in a pitiable condition and therefore we see several private old age homes springing up all over Delhi. This is the same situation in every state in our country.

The government also sought to put more money in the hands of the senior citizens by giving them **rebate under section 88B, 88-D and 88- DDB of the Income Tax Act, higher interest on tax savings plans** and a wide variety of LIC and Post Office schemes to choose from.

While these schemes have actually put more money in the hands of the senior citizens, allowing them to lead a respectable and comfortable life in the old age, in one of my interactions with a banking personnel, he mentioned that he was amazed how many children would enquire from him about the process of claiming the money once their parents were no more. He said that more often than not they were actually looking forward to this money being inherited by them! He also suggested that a better way of the government to actually ensure that children take care of their parents is to provide some tax benefits to children who are looking after their parents. Instead of a carrot and stick theory, maybe the incentive theory may work better. This is actually food for thought!!

Another initiative by the Government in 1973 was **making provision under the C. P. C for taking care of the elderly**. This gave them a way to seek legal help if their children did not support them or them and also have the means to provide for maintenance.

In 2007, the Government introduced **The Maintenance and Welfare of Parents and Senior Citizens Bill**. This was a landmark Bill seeking to provide legal recourse to the parents who were not looked after by their children. The Bill also proposed that if the parents could not approach the court on their own they could also approach for recourse through a NGO or any such recognised bodies for staking their claim. The Bill also provided that for childless couples, they could also stake claim for anyone who would stand to inherit their property after them. In fact the policy proposes that if such a relative refuses to pay and take care, the senior citizens can rewrite their will and deprive them of any right in their property.

While it has been hailed as a landmark Bill, several other experts have criticised the bill for its vagueness and lack of clarity. The critics argue that the Bill will only be catering to the senior citizens who are educated and more aware of their rights rather than the ones who are poor and cannot understand the meaning of the bill and neither do they have access to NGO or any other legal bodies to help them get a redressal. The critics also point out several other technical issues which the government can easily address by correcting the same or making additional provisions in the policy, but what is more important is the need to create awareness about the policy. In fact, in my interaction with some senior citizens in my society and nearly 90% of them had no idea about the bill and its benefits. Just imagine, if educated people have no idea about it, how poor and uneducated people will know about the same.

One major criticism of any bill introduced by the government has been the use of the word "may" instead of "shall". The moment this is done, it makes the provisions not mandatory. Does the government really want to implement the bill or is it introducing the same only to appease a section for vote banks? The moment the Bill says that the States "may" set up old age homes in every district, it does not make it mandatory for the States to set up these old age homes. Such features create doubt about the intention of the Bill. Further critics also mention that the Bill very clearly absolves the government of all responsibility for maintenance of the parents by putting the full onus of maintenance on the children, grandchildren or any legal heirs and the maximum monthly allowance that can be claimed is only 10,000 rupees which is not enough for some who have major illness issues or those who live in the metro cities.

To conclude a critical analysis of the Bill shows that while these bills and provisions introduced by the government are a step in the right direction but the government needs to ensure that these are also implementable and easily understood and affordable by the elderly.

AN OVERVIEW

However, not all is as bleak as it sounds. There is a growing awareness of rights amongst the elderly and they seek to exercise their rights. They are also taking to the social media to reach out for help. I was talking to an elderly couple and they said that after watching the movie "Baghban" they learnt the lesson that they should learn to make provisions for their old age too while taking care of their children's needs. They were very clear that while their children were very nice and would take care of them if the need arose but if they were independent rather than dependant on their children during their old age, they felt a sense of pride and respect for themselves which is very important for people in the old age when the

society does not seem to need them anymore as they are not contributing to the same financially.

Another set of parent that I interviewed mentioned that after reading so many horror stories and also seeing a few cases happening with their friends, they have decided not to transfer their property in the names of their children till they are alive. They had seen a friend being evicted from his own house after he gifted his house to his son while they were still alive. They agreed that it may still lead to the children torturing parents to transfer property but it is the first step to take.

Another parent that I interviewed had three daughters and as is the case in our society, parents do not want to go and live with their daughters. This couple had made sure that they had a corpus for their retirement and have very expensive medical insurance cover plans, and post retirement they are not a burden on their children and actually spend time travelling the world.

Another rare set of parents I interviewed were all praise for their sons and daughter-in-laws who would take very good care of them.

While there a silver lining to see in some cases when I met and talked to senior citizens, this number is a minuscule number. Not just physical or mental abuse, torture, abandonment and such serious issues, there is a large section of the senior citizens who are still facing a multitude of problems as health problems, lack of medical and financial support to address these issues, loneliness when children today do not have time for their parents as they are caught in the rat race for earning more, when the parents become a hindrance in the modern lifestyles of the youth today or when parents become a financial burden for their children who are struggling to make ends meet in a materialistic world. There are innumerable cases where the children may not be abusive and may also be good to their parents but very often do not have the time to go and visit their parents. Loneliness is a big disease amongst the elderly today. Even when living with the family their opinions do not matter and they are just treated as elderly to be looked after, fed and taken care of but not really included in family matters and affairs and this makes them feel neglected and not respected and loved. This further leads to psychological problems as depression.

CONCLUSION

The need of the hour today is to understand the problems being faced by the senior citizens and build a social security framework such as well-designed pension schemes, well fitted old age homes, education about legal options being available, and making the provisions of any bill introduced being mandatory instead of just being directive. Not merely the legal framework but even our society as a whole

needs to be educated with this starting in schools where children are taught to respect their parents and grandparents. As a society we need to reinitiate the community living where the children and elderly are provided a social security network and where elderly can actually contribute to the growth of the society by sharing their years of wisdom and knowledge with the youth. It is only then that the elderly will be able to live a respectable life. The government alone cannot solve the problem. We must all pitch in and contribute for after all they are our elderly.

REFERENCES

This write-up is based on my experiences working with NGO-for the senior citizens and dealing with their socio emotional stress .

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