

RIGHTS OF THE AGED PEOPLE IN INDIA: A SOCIAL SECURITY PROBLEM

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Abstract: *The status of senior citizen have been seriously undermined by changing values, the impact of education, urbanization, westernization and Industrial development, migration of younger members to cities for alternative source of livelihood, acute paucity of accommodation in urban areas and the unreasonable rents which act as a strong disincentive for bringing old parents to live with the children in their families. With the breaking down of the joint family system and the emergence of the nuclear family, individuals have become more concerned about their wives and children. As a result, the care of the aged parents has become a matter of burden for them. This has necessitated the provision of substitutive safety.*

In India, social security, and welfare provisions for older people are inadequate, the state is under constitutional duty to provide for ensuring a minimum standard of welfare to all its citizens as laid down in directive principles of state policy. Even after independence central government has been not successful in achieving the social-economic goal and welfare state in the true spirit of constitution.

Keywords: *senior citizen, right to life, social justice, human rights.*

1. INTRODUCTION:

Economic liberalization and availability of money-spinning opportunities inviting attention of everyone aspires to a rewarding career and a better lifestyle. Consequent to the above developments a higher degree of physical and mental strain of working class people has an effect on their family. In smaller families the older people are experiencing remarkable changes in their physical and socio-economic conditions; they are gradually marginalized in the decision-making process. In India the higher cost of living in urban areas and the lack of space for all members of a family to reside at the same place are causing the disintegration of the joint family system. Majority of the young person's prefer the nuclear type of families. The family development cycle brings about changes in the status and roles of both elderly men and women because there is a transition from the role of 'provider' to that of a 'dependent' Hence, the family that traditionally took care of the elderly or sick, widows and orphans is beginning to rely on society as a whole.

There are many problems faced by the aged people in India most important among them are Social-economic Problems.

Man as a social being, does not live by bread alone. He wants to live in the family, society where he gets the feeling of belongingness. Such associations give meaning to his life. He occupies some position and enjoys some privileges, performs useful functions for the family and society.

In the old-fashioned Indian society, the aged persons were given regard and they enjoyed position of authority. In return, they used to provide guidance to the younger generation because age was equated with knowledge and experience. Transposition of conventional knowledge with the scientific knowledge in the modern society has lowered their status in the society. In modern society, old persons is treated as a burden on the limited resources of the family. Such a situation has created a feeling of neglect, dependency, loneliness, among the poor old persons. Lack of respect, affection and attention from their family members, which gradually turns into indifferences and in some cases even into deliberate teasing and torturing on the part of the younger members of their own families. The situation becomes still worse if the old couples have to live alone by themselves and it becomes unbearable, if one of them is a chronic patient or dead. Old age has emerged a socio- psychological problem.

One-third of the population is below the poverty line belong to the lower income group; the financial situation of two-thirds of the population above 60 years is brittle. In earlier times, the social and economic needs of the elderly were catered through the extended family system. Social stratification concentrated spiritual, financial and decision-making power in the hands of the most elderly. Within the framework of the extended family structures, the daily affairs of the community were decided by the community leaders, who were usually elderly men.

Major security provisions like pension scheme and contributory provident fund schemes are available only for the employees of government or public sector undertakings. Also there are some Acts, which make provision for laborers

in the organized sector only. But nearly 90 per cent of the total workforce is employed in the unorganized sector where security provisions like pension scheme and contributory provident fund schemes are un-available. Among these, only 40 per cent are wage earners to cater the basic need of their families. In India, National old age pension schemes provide assistance to needy persons only above 65 years. There are few legal provisions which protect the rights of wage earner but maximum are facing economic hardships.

The ratio of economic dependency of older on others, usually their children is approximately 60:75 pensioner find their economic status lowered in their family after retirement. Casual/ agricultural workers do not have any fixed or regular income and also no social security benefits. Studies put dependency rate at 1:2 and 25.8 per cent of the population as being below the poverty line. Rural aged who are already poor and not supported by any social security schemes are forced into hardship.

The Government of India is committed to providing an effective environment to secure the goals of economic and emotional security for the elderly as laid down under directive principles and fundamental rights. All institutions of the civil society, individuals and the community are equal and necessary partners in achieving socio-economic goal particularly elderly women.

2. CONSTITUTIONAL PROVISIONS:

Right to equality to women is guaranteed by The Constitution of India under Article 14. Establishment of a new social order based on equality, freedom, justice and the dignity of the individual is the philosophy of Constitution of India, which also aims at the abolition of poverty, illiteracy. There are certain primary duties of state which are guided by the Directive principles of the state policy as laid down in part IV to finish ill-health problems, and to work for raising of the level of nutrition and the standard of living of its people and the improvement of public health, And also for securing the health and strength of workers. It is also the constitutional duty of state to create such environment for All men and women, specially ensuring that children, aged, and the infirm are given opportunities and facilities to develop in a healthy manner and also to ensure equality before the law and equal protection of law in true sense; state is under constitutional duty not to discriminate against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to public employment as laid down under Article 16 of the constitution.

Following are constitutional privileges which are guaranteed to women in India for their empowerment.

Preamble to the constitution secure to all its citizen justice-social, economic and political. Equality before law for women is guaranteed under Article 14, Protection against discrimination by state on grounds only of religion, race, caste, sex, place of birth or any of them is also guaranteed under Article 15 (i), Article 15 (3) empowers the State for not only making any special provision in favor of women ,children but also for Equality of opportunity for all citizens including elderly women in matters relating to employment or appointment to any office under the State is available under Article 16(2)

For maintaining life and dignity, the right to an adequate means of livelihood to women, right to free legal aid , opportunities for securing justice, right to just and humane conditions of work and for maternity relief is also guaranteed by the constitution to women in India. Further all the citizens are duty bound under Article 51(A) (e) to promote harmony and the spirit of common brotherhood between all the people of India and to renounce practices derogatory to the dignity of women

The parliament of India by amendment inserted Article 243 D(3) in the constitution for political representation in three tier government which laid down provisions specially for women belonging to the Scheduled Castes and the Scheduled Tribes. Article 243 D(4) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4)) and different constituencies in a Municipality under Article 243 T (3). In 2007 the central government passed an Act for senior citizens. Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a welfare legislation. On the basis of 11 years' experience of obstacles in proper functioning of the Act, central government moved a bill for the amendment of certain provisions of the Act of 2007, the bill is still pending in loksabha.

3. THE INTERNATIONAL INSTRUMENTS:

Following are the some important International Instruments providing Social Security to the elderly women,

3.1 First World Conference on Women, Mexico City, 1975: The first world conference on women was held in Mexico City in 1975. this conference recommended for special studies are carried out on the situation of aged or handicapped women.

3.2 World Conference on Women, Copenhagen, 1980: The second world conference on women was held in Copenhagen. The conference acknowledged the equal access to education; employment opportunities; and adequate health care services.

3.3 Third World Conference on Women, Nairobi, 1985: The Nairobi conference recognized the right to constitutional and legal measures; equality in social participation; equality in political participation; and decision-making.

3.4 UN Convention on the Rights of Older Persons: The Convention on the Rights of Older Persons was held consider older persons as specific right holders and agents of change, and to provide guarantee full and effective enjoyment of human rights and fundamental freedoms, in order to allow for their participation in social, economic, cultural, civil and political life.

3.5 World Assembly on Ageing 1982: The assembly acknowledged the rights of elderly persons, including health and nutrition, housing and environment, the family, social welfare, income and security and employment, and education.

3.6 United Nations Principles for Older Persons 1991: The Principles of 1991 recognized the status of older persons in society with some degree of independence, the ability to participate in society, have access to care, be entitled to self-fulfillment and the full dignity of life.

3.7 World Conference on Women, 1995: Important issues like Action for Equality, Development and Peace were discussed in The Fourth World Conference on Women important conference convened by the United Nations during 4–15 September 1995 in Beijing, China.

3.8 Jakarta Declaration 1997: The Jakarta Declaration reiterated the importance of the agreements made in the Ottawa Charter for Health Promotion, and added emphasis to "Promote social responsibility for health"

3.9 The Second World Assembly on Ageing 2002: The Second World Assembly upheld the principle of "building a society for all ages." important issues like individual lifelong development, multi-generational relationships, the interrelationship between population ageing and development, and the situation of older person were discuss and consider to produce a healthier environment for older persons

3.10 U.N. Open-ended Working Group on Ageing (OEWG): for the purpose of strengthening the Human Rights of Older Persons, The UN established the Open-ended Working Group on Ageing (OEWG) in 2010. The eighth OEWG took place in New York in July 2017 and discussed the rights to non-discrimination and equality and to freedom from violence, abuse and neglect. The UN Open-ended Working Group on Ageing 2018 took place on 23–26 July 2018. It looked at the content of the rights to non-discrimination and equality, and to freedom from violence, abuse and neglect in more detail. It also discussed new topics: autonomy and independence, long-term care and comforting care for women. The tenth OEWG took place on 15-17 April 2019. The focus was on older people's rights to social protection, social security, education and lifelong learning.

3.11 The overall population of the elderly persons above 60 years age is increasing at a record speed; unfortunately the world is lacking of adequate protection devices. The whole world has to find the way to overcome the problems of elderly persons. It is right time for formulation of visionary policies and programmes to diminish the situation of older persons. Today, two-thirds of the world's older people live in low-and middle-income countries and this proportion will rise to 80 per cent by 2050 which is not good sign for overall global developments.

4. CONCLUSION:

From the above study it is found that globalization and its impact on economies are causing a silent and invisible transformation within the social structures. Demolition of the traditional family network is leading to an exhausting down of the available support within the immediate and extended family to aged people. Migration of younger generations from rural to urban areas and from one urban center to another as well as transnational migration results in the elderly being left to fend for themselves at a time when family support becomes more crucial. So it is felt that women should be empowered economically and socially to become a strong force in family and in the development of nation. Positive environment of encouragement, hope and enthusiasm has to be created by the society, government which would lead to increasing access of all women to all developmental efforts by the state under various legislations. There is need to aware the society on the issue of gender sensitization.

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