

# Old Age

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## Manifest Pedagogy

Social Issues need to be study at two levels

1. Issues and their impact on the society and in turn Society's impact on it
2. Governmental initiatives to tackle them ranging from Constitutional provisions to International mechanisms

The topic of Vulnerable Sections has always seen one Mains question every year. Preparing them thoroughly would be a wise move

## In news

Recent judgment by the court regarding maintenance of senior citizens act

## Content

### **Old age population in India and the problems they face**

India, like many other developing countries in the world, is presently witnessing rapid ageing of its population. According to World Population Prospects, UN Revision, 2006, **the population of aged in India is currently the second largest in the world.**

**According to Population Census 2011 there are nearly 104 million elderly persons (aged 60 years or above) in India; 53 million females and 51 million males.** This phenomenon of growing population of senior citizens has been the result of recent successes in the achievement of better health standards

and a longer span of life for our citizens. Due to this dependency ratio for the old had risen from 10.5 per cent in 1961 to 11.8 per cent in 1991; it is projected to be 16.1 per cent by 2021.

## **Problems faced by old age population in India**

### **1. Disabilities in old age**

With the increasing age and decreasing health, the older person begins to depend unknowingly physically and psychologically on either the kinship group or the existing social support network.

Most common disability among the aged persons was locomotor disability and visual disability as per Census 2011.

### **2. Economic Problems**

Economic dependence is one of the major factors that very often affects the wellbeing of older persons. **Economic dependence is manifested in two ways.**

- **First, the status of economic dependence may be caused by retirement for a person employed in the formal sector.**
- **Secondly, for a person in the rural or urban informal sectors, it may result from their declining ability to work because of decreased physical and mental abilities. Sometimes older persons are also faced with economic dependence when management responsibilities for matters relating to finances, property or business are shifted to children, pushing the older person into a new status of economic dependence.**

### **3. Psychological Problems**

The common psychological problems that most of the older

persons experience are: **feeling of powerlessness, feeling of inferiority, depression, uselessness, isolation and reduced competence.** These problems along with social disabilities like widowhood, societal prejudice and segregation aggravate the frustration of elderly people. Studies report that conditions of poverty, childlessness, disability, in-law conflicts and changing values were some of the major causes for elder abuse.

#### **4. Health Problems**

Health problems are supposed to be the major concern of a society as older people are more prone to suffer from ill health than younger age groups. It is often claimed that ageing is accompanied by multiple illness and physical ailments. Besides physical illness, the aged are more likely to be victims of poor mental health, which arises from senility, neurosis and extent of life satisfaction. **In most of the primary surveys, the Indian elderly in general and the rural aged in particular are assumed to have some health problems like cough, poor eyesight, anemia and dental problems.**

### **Provisions by the government**

Since independence the Indian government has been committed to supporting the old people in our society with certain interventionist welfare methods. The year 1999 was declared by the UN as the International Year of Older Persons followed on 13th Jan 1999, by the Government of India approving the National Policy for Older Persons for accelerating welfare measures and empowering the elderly in ways beneficial to them. Maintenance and Welfare of Parents and Senior Citizens

### **Constitutional provisions**

Provisions have been made in the Constitution of India to preserve the rights of those aged above 60. Since these articles are part of Chapter IV of the constitution which

corresponds to Directive Principles, they cannot be enforced by a court of law as stated in **Article 37**, however, they are the basis upon which any legislation is drafted.

**Article 41** of the Constitution secures the right of senior citizens to employment, education and public assistance. It also ensures that the state must uphold these rights in cases of disability, old age or sickness. Meanwhile, **Article 46** asserts that the educational and economic rights of the elderly must be protected by the state. **Article 47** Duty of the State to raise the level of nutrition and the standard of living and to improve public health these above articles which are applicable to old age people ensures their wellbeing. Apart from this old age people are also protected under National policy for old persons 2011.

## **National policy for old persons 2011**

The National Policy on Older Persons was announced by the Government of India in the year 1999. It was a step in the right direction in pursuance of the UN General Assembly Resolution 47/5 to observe 1999 as International Year of Older Persons and in keeping with the assurances to older persons contained in the Constitution.

**Some of the salient policy objectives are to:**

1. Mainstream the concerns of senior citizens, especially older women, and bring them into the national development debate;
2. Promote income security, homecare services, old age pension, healthcare insurance schemes, housing and other programmes/ services;
3. Promote care of senior citizens within the family and to consider institutional care as a last resort;
4. Work towards an inclusive, barrier-free and age-friendly society;
5. Recognize senior citizens as a valuable resource for the

- country, protect their rights and ensure their full participation in society;
6. Promote long term savings instruments and credit activities in both rural and urban areas;
  7. Encourage employment in income generating activities after superannuation;
  8. Support organizations that provide counseling, career guidance and training services; etc.

## **Maintenance and welfare of senior citizens act 2007 provisions and criticisms**

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a legislation enacted in 2007, initiated by Ministry of Social Justice and Empowerment, Government of India to provide more effective provision for maintenance and welfare of parents and senior citizens.

### **Key provisions of the act**

1. This Act makes it a legal obligation for children and heirs to provide maintenance to senior citizens and parents, by monthly allowance.
2. This Act also provides simple, speedy and inexpensive mechanism for the protection of life and property of the older persons.
3. The Act provides in-expensive and speedy procedure to claim monthly maintenance for parents and senior citizens.
4. This Act casts obligations on children to maintain their parents/grandparents and also the relative of the senior citizens to maintain such senior citizens.
5. The main attraction of this Act is there are provisions to protect the life and property of such persons.
6. It also provides for setting up of old age homes for providing maintenance to the indigent senior citizens

and parents.

7. 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.
8. 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.
9. State governments shall set the maximum monthly maintenance allowance. The Bill caps the maximum monthly allowance at Rs 10,000 per month

## **Criticisms**

Though this Act provides provisions for a better position for the parents and elderly, there are some criticisms also. It is alleged that, this Act is not easy to implement, there is no obligation on the state government to establish old age homes, there is no provisions for old age pensions, etc. Also, finding credible, willing and able persons and NGOs for inclusion in the Tribunal is quite a task, the practicality of setting up the Tribunal itself becomes a challenge.

## **Recent judgment by the court regarding maintenance of senior citizens act**

The Supreme Court said that the senior citizens should get a meaningful pension to live with dignity.

The top court said the State was "obligated to ensure" that the right to live with dignity that includes reasonable shelter, health care, clothing and meaningful pension for elderly people without any means was "not only protected but are enforced and made available to all citizens".

# Solutions

Following suggestions may go a long way in changing the life of elderly in India:

1. Efforts should be made to strengthen the family care, because the preferred source of support for the aged is still the family – informal system where the notion of care is embedded within a tradition of social obligations that are understood and reciprocated.
2. The reciprocal care and support within multi-generational families of parents, grandparents and children should be encouraged. Traditional values of filial obligations can also be reinforced in school curricula and through the media.
3. The Institutional care must be able to enhance relationships within families that incorporate both young and old persons. There is a need for effective legislation for parents' right to be cared for by the children.
4. The existing health care systems are not sufficient to meet the physical and health needs of the ageing population such as old age security, establishing old age homes, expanding geriatric services and liberalizing the welfare policy for older persons. It is necessary to increase public awareness of the need for protection of this sub group. There is a great need to protect the target group i.e. rural old, and old women, and widows.
5. There is also need for the elderly to remain active, to know that they still have a part to play in the family or community to which they belong and can make a useful contribution to nation and society as a whole.

## **Test yourself :Mould your thoughts**

Governance structures created for the welfare of the Old Age require significant attitudinal changes in society for their effective implementation . Explain