



An Overview of Elderly Abuse in Indian Scenario

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Abstract

Progress of human civilization, advancement in medical science and healthier lifestyle of people has obviously increased life of Old Age. Ironically, changed socio-economic conditions have completely changed living conditions of older persons in the country. In changed set up, old people face increased incidences of age discrimination, ageism, elder abuse and mistreatment of older community, which are strictly against any civilized society. Elderly abuse is not new in any society or country whether developed, under developed or developing country. Initially what we called a family issue has now been reported as a social welfare issue as abuse of elderly related to their problem of aging has become a major concern area of criminal justice

Keywords: Abuse, Justice, Elder.

Introduction

As per WHO, Elder abuse can be defined as "a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person". Elder abuse can take various forms such as financial, physical, psychological and sexual. It can also be the result of intentional or unintentional neglect. The demographic transition and the increasing life expectancy coupled with changing socio-cultural contexts especially the institution of family, has economic and social implications on elderly. (Nidhi Gupta, 2016). The transformation of traditional joint family into

small nuclear families with fast declining values and a fast track modern life and lifestyle are to add on to the fact that elderly abuse is increasing and growing at an alarming rate (Age well, 2014). It is a known and established fact that the share of old and elderly in the overall population is increasing and the share of the younger generation is decreasing. And due to this the old age dependency ratio will definitely increase and the demand for all kinds of services and a lot of investment for the elderly with various disabilities will increase manifold. Elderly are weak and dependent on others and in addition their low standard of living makes them more vulnerable. For their well-being it is vital to understand their needs and different influencing factors. Older persons who face abuse often live in silent desperation, denial and avoid seeking assistance. Their silence speaks many truths about the value of the honor of their family, shame from society, retaliation from the abusers in future and the hard legal battle and its dire consequences. Hence many a times they opt to keep silent rather than spell the beans (Ritu Sharma and Rupinder Kaur, 2016).

History and Different types of Elderly Abuse

Modern reports of elder abuse were earlier seen in the medieval literature as early as in the year 1975 when the British Medical Journal published a heart breaking report on “granny battering” (Martin J. Gorbien et al 2005). In Australia however it was recognized in the late 1980’s where such forms of elderly abuse especially financial abuse was mostly at the hands of their own sons or daughters. Similarly with the emergence of nuclear families it was found that the elderly faced depression, poor health, loneliness, abandonment as well as physical and mental impairments as a major burden on the care givers resulting in abusive behavior. With the changing times a new trend emerged with the concept of lessening the burden on the care givers and that was in the way of sending elderly to old age homes with a self-mental contentment that they will have company of people of similar age. Abuse which starts in the form of verbal abuse are elevated to different types of Elderly Abuse which include: Physical Abuse wherein the use of physical force may result in bodily injury, physical pain, or impairment. Verbal or Psychological Abuse includes infliction of anguish, pain, or distress through verbal or nonverbal acts wherein the self-esteem of the elderly is harmed. Financial abuse wherein the illegal or improper use of an elderly funds, property, or assets is made. Abandonment and Neglect wherein direct neglect, which refers to older people being left alone, isolated, or forgotten and another way of explained indirect which is the withholding of items that are necessary for daily living, such as food and medicine. It is a sad practical truth in India unlike any foreign countries where the elderly are left at the hands and mercy of nursing homes nurses or helps in institutions, in India they are with their very own and sadly the abusers are their own family members on whom they depend maximum with complete trust. Initially what we called a family issue has now been reported as a social welfare issue as abuse of elderly related to their problem of aging has become a major concern area of criminal justice.

Objectives of the Study

The objectives of the research study are as follows:

1. To understand the dismal status of elderly in India.
2. To make recommendations for reforms and policies to deal with injustice and abuse in India.

Review of Literature

Mishra et al (2013) in “Crimes against the Elderly in India: A content Analysis on Factors causing Fear of Crime” has focused the study mainly on secondary data collected thru newspapers. The findings show that there are various factors such as residential location, previous victimization experience, vulnerability defensibility and incivility that cause the fear of crime in the minds of elders in India. **Bhatia et al (2008)** in their research article on “Elder Abuse” have spoken and covered various aspects of physical, emotional and sexual abuse as also neglect or abandonment by the caregivers. Also financial exploitation along with health fraud and abuse is also treated as an important element in abuse. **Mandal (2008)** in his research article” Protection of Human Rights of Old age Person: A Dynamic Perspective” explains at the very inset how old age is an indispensable stage if a human being which a man cannot refute except untimely death. Legal social moral and governmental norms are analyzed to find out the possible ways by which elderly people human rights are infringed and they are bound to suffer pain and agony. With this backdrop, it is attempted collate the forms of abuses experienced by the elderly in the present study

Overview of Legal Provisions for the Protection of Elderly in India

Older persons are respected in society in general but within their individual families, majority of older persons feel isolated on many occasions. Property related issues, interference in family matters, interpersonal relations, and unemployment in old age, excessive medical expenses, dispute among siblings, greediness of younger generation, fall of morals, etc. are major reasons of disrespect or mistreatment of older persons. Article 41 of the COI states “The state shall within the limits of its economic capacity and development make efficient provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.” Although different personal laws perceive and conceive the rights of elderly people differently yet the very fundamental rule of law is that they too have the same legal and other rights as others in society have. They too have the right to liberty and personal security. They too have the right to respect at home and in society. They too should not be discriminated against any right to property and most importantly they have the right to medication, a decent lifestyle and the right not to be battered by anyone. Various legal safeguards in the form of The Hindu Adoptions and Maintenance Act (HAMA, 1956), Muslim personal laws, Christian and Parsi personal laws ,National Social Assistance Programme (NSAP, 1995), The National Old Age Pension Scheme (NOAPS), The National Family Benefit Scheme (NFBS) , The National Maternity Benefit Scheme (NMBS) , National Old- Age Pension Schemes (NOAPS, 1995), Annapurna Scheme (1999) , National Policy on Older Persons (NPOP, 1999) and most importantly the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 which makes it a legal obligation for children and heirs to provide maintenance to senior citizens and parents, by monthly allowance. This Act also provides simple, speedy and inexpensive mechanism for the protection of life and property of the older persons. In spite of all these provisions and schemes either ignorance or family honor and pressure and love for their own children etc nullifies the very concept of protection as they opt not to report the cases to the police or file a legal complaint leading to the sad demise of all provisions and it becomes available only on paper. Also the mechanism of effective implementation of the same is very sparse in India which is very detrimental for the overall curbing of elderly abuse.

Data collection

Various secondary sources have been used for analyzing the study by using reports of Government as well as Non-Governmental agencies, books and other publications, Research papers and Reports published in journals etc.

Observations regarding elderly abuse in the Indian Scenario

Elder abuse can have several physical and emotional effects on an older adult. Many victims suffer physical injuries. Some are minor, like cuts, scratches, bruises, and welts. Others are more serious and can cause lasting disabilities. These include head injuries, broken bones, constant physical pain, and soreness. Physical injuries can also lead to premature death and make existing health problems worse. Despite several personal and other laws as well as the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, we find that elderly human rights violation and abuse is on a rise. The reasons can range from the transformation of traditional joint family system into nuclear or small family system, fast modern life, higher and ever increasing cost of living, fast declining moral value system, sparse inclusive social security, lack of intergenerational interaction, financial dependency to ageism, too much control or lack of freedom from others especially the younger generation, development in means of technology, limited financial freedom, ignorance, illiteracy, lack of awareness of different schemes as well as rights available and many more. Elderly abuse is accepted by most of them as a part of their living and as an inescapable silent journey. The fact that most of the cases of elderly go unreported speaks volumes to this contention.

Recommendations

1. The media can play a pivotal role for raising public awareness about elderly rights and with positive approach help in changing attitudes and nullifying the stereotypes that are prevalent around the elderly.
2. Establishment of Elderly Complaints Scheme and a separate and independent Elderly Care Police Cell so as to deal with elderly issues expeditiously.
3. Establishment of Free Legal Cell specially for the Elderly to lodge complaints and sue offenders in the court of Law.
4. College Students through NSS programs can conduct street plays for creation of awareness of rights of elderly and care for the elderly.
5. Strong and effective implementation of laws with severe punishment and penalty for the offenders so as to act as a deterrent to the other community offenders and those aiding and abetting this guilty criminal act.

Conclusion

Based on available evidence, WHO estimates that 15.7% of people 60 years and older are subjected to abuse. These prevalence rates are likely to be underestimates as many cases of elder abuse are not reported. Globally the numbers of people affected are predicted to increase as many countries are experiencing rapidly ageing populations. Elder abuse has serious consequences for individuals and society including serious physical injuries and long-term psychological consequences, increased risk of nursing home placement, use of emergency

services, hospitalization and death. The study on abuse and crimes against the elderly is important from the point of view of growing violence against them. It is also believed that the most vulnerable class of citizens are the elderly who can be easily manipulated and exploited not only by their family members but also the society at large due to their fragile bodily conditions. Elder abuse, mistreatment and torture of older people are a manifestation of the timeless phenomenon of interpersonal violence is prevalent in India. Being mistreated, verbally abused, and denied proper food, proper medication and care by younger members of family, older people are indeed in a very helpless situation.

Bibliography

1. Chandrashekar S.V (2014), “Community and Law Enforcements in Preventing Elderly Abuse – Critical Analysis on Human values in India”, International Journal of Criminology and Sociological Theory, Vol. 7, No. 1, December 2014,pg 1-6
2. Nidhi Gupta (2016), “ Development, Elder Abuse and Quality of Life: Older women in Urban India”, International Journal on Ageing in Developing Countries, 2016, Vol. 1 (2), pg 158-173
3. Ritu Sharma and Rupinder Kaur (2016), “Elder abuse, depression, relationships and attachments: Determinants of mental health in later life”, International Journal on Ageing in Developing Countries, 2016, Vol.1 (1), pg 68-81.
4. https://www.who.int/ageing/projects/elder_abuse/en/

