

Neglect, violence and abuse

1) In your country, are there specific studies or surveys (from governmental, nongovernmental or academic sources) on violence, abuse and neglect experienced by older persons?

In the past decade, data on elderly abuse and neglect were collected by NGOs like Help Age India, Agewell Foundation, Centre for Gerontological Studies, Trivandrum, and United Nations Population Fund (UNFPA), New Delhi. Academic studies were undertaken through financial support from governmental and non-governmental sources. Specific studies relating to elder abuse, its nature and extent of prevalence across cities, and perceptions of the elderly and other stakeholders were conducted. These roped in Legal Experts, members of Senior Citizen's Association, Police Officers, Medical Experts, Social Welfare Officer, Community Based Organizations (CBOs), Psychologists and Corporate and Individual donors.

2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occur (i.e. residential and nonresidential)? Is there information about the type of perpetrators?

Many research findings reveal that 60+ year olds have experienced at least one type of elderly abuse say Physical , Verbal Economic , Disrespect and Neglect. A total of 20,532 cases of crimes committed against senior citizens were reported in 2015 and there is significant increase in the number of crimes against old people. Over two-thirds of elderly people in India say they are neglected by their family members while one third of the elderly claimed to have suffered physical or verbal abuse, with those in urban areas bearing the brunt more than in the rural areas and out of this three fourth lived with their families. The elderly faced various types of abuse with showing disrespect being the most common form of abuse and the substantial incidences of crime against elderly people are by family

members, relatives, caregivers, nears and dears and even neighbours. In most of the cases reported so far perpetrators of crime are daughter-in-law, son and daughter. One third of the victimized are abused at least once in a week.

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

A glaring problem faced by the males group was older couple being asked to live separately when they had more than one child i.e. the older woman to stay with one child and the man to stay with another. Paradoxically, women sometimes end up worse off because in many of the patriarchal-patrilineal families especially in rural areas, the responsibility for care and nurture falls to the women of the family, which in turn has cast women both as victims and perpetrators of abandonment. The daughter in-law and son emerged as the major abusers. Two-third of older persons surveyed suggested the most effective way to tackle elder abuse was sensitization of children and strengthening of intergenerational bonding and one third stating it to be economic independence.

3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

One in five elders experiences some kind of abuse at home yet 98 per cent of the abuse victims do not file a complaint despite the existence of a specific law to protect them. Lack of research, or published data on elder abuse is a major problem in India. Occasional articles in newspapers speak of elder abuse but that is about all. This is a problem that largely gets swept under the carpet, and is within the four walls of a home. It is grossly underreported and un-discussed as the older people themselves do not want to discuss it and the relatives and neighbours who are aware of this do not want to get involved.

There are various mechanisms to report the cases of elder abuse as Police Help Line, Maintenance Act 2007 and Tribunal under Maintenance and Welfare of Parents and Senior Citizens etc. Hindu Adoptions & Maintenance Act, 1956. In deciding the amount of maintenance, the position and status of claimant, reasonable desires, current living situation (separately/with family) and the value and income from the property of claimant should be taken into consideration. Police Help Line is the most commonly known redress mechanism for elder abuse. According to National Crime Records Bureau in 2014 ,18714 incidences of crime have been reported against senior citizens

4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted in December 2007, to ensure need based maintenance for parents and senior citizens and their welfare. Senior citizens who are unable to maintain themselves financially shall have the right to apply to a maintenance tribunal for an allowance from their children and relatives. The tribunal may initiate the process suo motu. This legislation is too narrow and ineffective to serve as the primary legal channel for guaranteeing the rights of the elderly. The other concern that has not been adequately addressed by legal instruments is the increased crime rate against the elderly populace on the streets and within the confines of their homes, including robbery.