

ABUSE OF ELDERLY BY LAWS OF NATION

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Like other parts of the globe , number of elderly(60+) are increasing in India. Presently there are about 100 million Indians of (60+) , that will be 198 millions in 2031 & 19% of Indians will be (60+) by 2050 .Due to this increase in grey population , age related problems will be more evident . Elderly abuse is very important one . Our social norm was to show respect to elderly & to follow there doctrine . But, now the situation has changed ;now a days it is a common phenomenon that elderly are maltreated . Ways & weapons of such maltreatment are diverse . Its impact on family , society & nation is also very heavy .Among many factors, faulty learning on the part of our newer generation is playing heavily in this regard. Maltreatment (Abuse) of elderly imposes immense cost on the health & mind of the elderly and elderly abuse is considered as a important PUBLIC HEALTH concern.

Some statistics : A study conducted by “Help age India” in different states of India [3] revealed the following findings --(a)28% elders live in urban areas, (b) 31% elders in India faces abuse , in kolkata it is 40.93%, in Bhupal it is 77.12%, in Guwahati it is 60.55% (c)56% abuser are Sons followed by23% are daughters in law (in rural India daughter in laws are prominent abuser than Sons).(d) **62% older persons suggested the most effective way to tackle Elder Abuse is sensitization of children & strengthening of intergenerational bond .** On the light of the study & other information , it is assumable that there is under reporting of abuse ; elderly do not report due to family prestige , fear , frustration , insecurity etc. actual % of elderly abuse in India is much higher . AND Indian elderly are also immensely abused by misuse of certain laws of the nation .Among the dowry related cases about <1%-10% are convicted & majority are filed with ulterior motive . Huge number of senior citizens have been arrested due to false allegation of dowry related cases .As a response to call by international bodies, Steps have been taken by by different nation with a view to empower women , enactment of laws are part of the programme. Laws that have been enacted in India with a view to provide security to woman are only applicable to only a small percent of woman (around 15%of all female), **who are daughter in law, on the other hand majority of woman has fallen under the threat of immense suffering by the misuse of these laws. Women empowering laws have turned a misnomer in India .**besides women, elderly males & child have also fallen under threat of suffering. It is pertinent to mention some of those laws existing in India, viz. IPC 498A, Domestic Violence act 2005, Maintenance & welfare of parents & senior citizens act.2007.

(a) IPC 498A : This law is meant to protect women subjected to cruelty by inlaws for dowry etc. This section is cognizable , non compoundable & non-bailable . Police arrests the accused merely on the complain of the victim .Using this tool unscrupulous daughter in laws & her parents due to oblique motive throws their elderly parents in law in to jail .& make them suffer seriously .Being empowered with this law , now a days daughter-in laws comes to husbands house & directly says that they will not see her parents in law , makes husband to obey their command under the threat of false implication of this IPC 498A . **In this way elderly are abused, family are breaking .society becoming unstable & we are running towards prehistoric era .** It is also revealed that <1% of deserving women seek resort of this

law, **on the other hand, one innocent senior citizen is arrested every 2.4 hours by false implication.** So, the misuse of this law of nation & magnitude of elderly abuse by this law is easily understood. Many elderly has undergone untimely demise due false implication of the law. This law has been seriously criticized by all sector of people except some feminism activists. Some labeled it as atrocious law, some uses the term draconian law. Honourable courts have also criticised this law; Supreme court termed, use of this law as legal terrorism[6]. World health organisation reports lebanon & India as first ranking countries for legal abuse of elders & explicitly mentioned the **DOWRY LAW** as a tool for rampant abuse of elders in India[7]. United nation also talks of misuse of dowry law in India as tool for elders abuse [8].

(b) DV act. 2005 : It is female gender specific. Provisions are framed in such a way that by misusing the provisions daughters in law have thrown out many elders from their own house. also there is provisions that forbids free movement of residents in their house, & even on verbal complain of the protected women, magistrate can issue non-bailable warrant. Many provisions of this law violates fundamental constitutional rights of our citizen including elderly & puts them under threat of dreaded consequences. People of all walks of life (except feminism organisations) criticised this law. Courts of law have also criticised this law. WHO & UN. have also reported it as a tool for elders abuse[8].

(c) Maintenance & welfare of parents & senior citizens Act.-2007 : Although it is a welcome move to curb elderly problem, but it is also incomplete. It does not make daughters in law & sons in laws living with parents in law accountable for care of their in laws **(that is also urgently needed for stability of the family & society at large).** **There is no provision for physical presence of children or relatives as the case may be, that is very much required for psychological boost-up during illness or preventing illness of an elderly. It is worth** to mention here that CHINA has enacted a new law (with effect from 02.07.2013) making it compulsory for children to meet their parents physically[9].

(d) There is no specific law for protection of elderly from torture as mentioned in national policy for older persons of India.

Recommendations : Since about 75% of elderly lives with family in India and strengthening of family bonding can curb many problems of elder's care and graceful ageing and since there are many nations where system within the family takes care of elderly AND since expression of emotion (smiling, crying etc.) among people of all over the globe is similar and elderly cannot be deprived of respectful, secured sunset age. Therefore author puts forward following recommendation for due consideration—

(1) There must be a mechanism in the UN, by which laws violating rights of elderly in any form in member countries is identified & necessary remedial measures could be called for.

(2) The international body should call for amendment of already identified atrocious laws abusing elderly in parts of globe including India.

(3) Since without the positive role of daughter in law, a stable family cannot be maintained and a stable family can give peace in the mind of elderly living with family; hence all member countries must be called for formulating & enacting appropriate laws making daughter in laws accountable in some way or other in their lives in family.

(4) Since every person understands/ feels the **role of physical contact** of near & dear one even that of doctors in **illness/stress**. Therefore international body needs to urge upon member

states to formulate measures for making it mandatory for kids of senior citizens for remaining physically present at the residence of their parents in need & regularly. Bottleneck of the programme needs to be minimized by taking a consensus agreement among member states in terms of leave, leave salary etc, of employed kids.

(5) Propaganda for stability of family & intergenerational bonding should run by UH funding all over the world.

References :

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- (4) National crime records bureau . Source -internet.
- (5) National centre on elder abuse (NCEA)---internet.
- (6) Supreme courts judgment on writ petition no.(civil) 141 of 2005.-internet.
- (7) Document no-WHO/NMH/VIP 02. 1 ; WHO/NMH/NPH/02. 2 --internet.
- (8) National Family Harmony Society, on WEAAD-15.06.2010 - internet.
- (9) Bengali Dainik "Eai Samay" on 02.07.2013. & internet.
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