

Senior citizen's Access to Justice – Indian Context.

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Overview : Justice is the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments. It has two elements- equality & equity (to be treated equally or equal access to treatment).Principles of justice are –fairness ,entitlement & equality . Types of justice are –Commutative, distributive, legal & social. For the purpose of running their business countries have some basic provisions, that is called constitution . India has adopted its constitution that has come in to force on 26th January 1950 .India has 03 pillars Viz- Legislature ,Executives & Judiciary ; those has been constituted according to the directives of the constitution and the constitution guides, allocates & determines the power ,function ,,duties & relation between them & with people of India. There has been some constitutional provisions , law's of nation ,directives from judiciary ,some executive decisions / directives, financial reliefs & provisions and united nations principles for older persons (India is a signatory country) for providing justice to elderly for a graceful ageing . In spite of presence of above mentioned provisions we do not see comprehensive implementation of the provisions & also there is failure to provide justice to our senior citizens due to absence of laws & provisions and oversightness of the appropriate authority. So, for making the lives of our senior citizens peaceful , secured & dignified , bottleneck in implementation of prevailing provisions need to be broken ; new laws to be enacted nationally & also from UN for making universal access to justice by our senior citizens.

Indian scenario : India has senior citizens of about 9%,it is projected to be 20% in 2050.Among the elderly about 70% lives with sons, rest with

spouses ,daughter & others, with about 10% living alone ;about 72% are financially dependent, 64.9% own houses,15% are pensioner ,35% has income<2500/=Rs. & about 12% involved in economic activity. For livelihood elderly have to depend largely on sons/kids ;still about 35% are below poverty line. Elderly becoming destitute due to failure to get support from sons/kids . About 8% of 60+ population in India are fully or partially dependent to perform their ADL & this is about 30% in 80+ senior citizens. Due to increase in number of elderly & increase in life expectancy, number of disabled elderly will be on rise & will impose tremendous pressure on the nation .There has been constitutional provisions for helping people during unemployment, old age, illness & disability by government ; constitutional provisions for adequate means for livelihood, equal work, no forced vocation unsuited for age & strength, raising level of nutrition, standard of living & right for protection of life & liberty , just & humane condition of work etc. some laws for maintenance of senior citizens are also in existence; arbitration at different level has been in existence . Some steps for specific health care for elderly has been running, some executive directives for elderly friendly environment is in existence .Also there is some reservation & relief in existence for our senior citizens. Above mentioned provisions have not been taken in to account in running Government (both Central & state), we do not see substantive participation of elderly in taking resort of the provisions due to unawareness ,fear, insecurity & frustration . There has been lacunae & insufficiency in many provisions also.

Barriers of access to justice :

If achieving an era of graceful ageing is the target , areas that need to be taken into account are –living pattern &livelihood, medical care environment & protection from torture . In terms of above mention areas we are lagging far behind in providing justice. Barriers as follows-

(1) Near complete degradation of HEADMANSHIP & its replacement by politicalization at all level resulting in biased activities – largely undermining senior citizens right for justice.

(2) Absence of appropriate step for intergenerational bonding that is the prominent tool for elder's care in Indian context .

(3) Geriatric health care is at rudimentary stage , failing to provide appropriate medicare services.

(4) Steps toward making an elderly friendly environment for getting different services working as deterrent for approaching justice (incapacitation, age related disability, disadvantageous mobility means, unfriendly environment at service stops, lengthy process are the main cause for that).

(5) Absence of law for protection of elderly from abuses & torture (organizations & mass people has been demanding for that since long time)

(6) Absence of provisions for physical presence of kids to meet spiritual needs of parents, less amount of maintenance money , lack of accountability of daughter in laws in caring their inlaws etc. in the maintenance law.

(7) Absence of an International law that will provide ease in getting leave /leave salary of kids who should attend parents physically & frequently in one hand & ease of getting visa ,living facility (Job in appropriate case) for parents if needed to stay with an employee working abroad)on the other hand.

(8) Some laws of nation - IPC 498a & Domestic violence act 2005 has been proved as a weapon of torture has been in existence.

Action to be undertaken :

(1) An international law / agreement must immediately be made in existence that will encompass (a) matters of easiness in getting leave & leave salary of kids of parents working abroad for attending parents physically to meet their needs (b) also provide ease in

getting visa , living facility ,job in appropriate cases for parents of kinds needed to stay with their kids working abroad. UN to take Urgent step.

- (2) For establishing constitutional provisions – old age pension should be made compulsory for all needy elderly, amount of pension must immediately be increased , rate of interest in deposits must be considered , geriatric medicare facility must be made available at all levels, homeless elderly must be provided homes as priority under awas Yojana. Provision for rendering services at the residence must be made urgently .Elderly friendly in built /natural environment must be considered at all levels including a universal design of housing .
- (3) A new central law for protection of elderly from torture must immediately be enacted . Matter of intergenerational bonding must be included in a law . Abusive laws must be amended or repealed.lacunae in maintenance law must be removed by amending the law.
