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Rights of the Senior Citizens and there Implications: A Socio-Legal Study

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ABSTRACT

Aging is a natural progression of life and due to improvement in the healthcare facilities, the lifespan of elderly population is steadily rising. In old age, the elderly have been facing various challenges, so this research paper investigates the rights of senior citizens and the implications for policy and practice in ensuring their well-being and dignity. With a growing aging population, understanding and safeguarding the rights of seniors is crucial. The paper delves into various dimensions of senior citizens' rights, including but not limited to healthcare, social security, autonomy, and protection from elder abuse. Drawing on theoretical frameworks, empirical studies, and legal perspectives, it examines the current status of senior citizens' and their rights in Indian societies, highlighting both advancements and challenges. Furthermore, it probes the intersectionality of ageism, gender, socioeconomic status, and other factors in shaping the experiences of older adults. The implications of upholding senior citizens' rights extend beyond individual well-being to societal welfare and intergenerational fairness. Finally, the paper propounds recommendations for

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policymakers, stakeholders, and practitioners to promote and protect the rights of senior citizens effectively in diverse contexts.

Keywords: Aging Population, problems, implications, Policymakers, Legal Perspectives.

Introduction

In the contemporary times, India has witnessed a substantial demographic shift characterized by a rapidly increasing elderly population. Census of India 2011 reports that the population aged 60 years and above stood at approximately 104 million, constituting 8.6% of the total population. Projections suggest that by 2050, the elderly population will spike to around 319 million, comprising nearly 20% of India's population. This demographic shift accentuates the urgency of addressing the rights and needs of senior citizens. Advancement in healthcare have increased life expectancy making it pivotal to prioritize the rights and welfare of senior citizens within the socio -legal framework of the nation.

As India grapples with the multifaceted hurdles posed by its aging population, safeguarding the rights of senior citizens has emerged as a crucial policy priority. A recent study published in the Indian Journal of Psychiatry revealed that 11.1% of elderly individuals experience depression in India. According to the United Nations Population Fund (UNFPA), India is undergoing a demographic transition, characterised by an increasing proportion of elderly individuals due to declining fertility rates and rising life expectancy. The rights of this demographic cohort encompass a range of domains, including social security, healthcare, housing, employment, and access to justice. As per the National Sample Survey Office (NSSO), only around one-fourth of senior citizens in India have access to healthcare facilities, with a notable proportion facing challenges related to affordability and availability. Additionally, the report reveals that nearly 20% of India's elderly population live below the poverty line. To address the vulnerability of senior citizens to various forms of discrimination, neglect, and abuse, both at the individual and institutional levels, the Indian government and NGOs has enacted legislation and implemented programs aimed at safeguarding their rights and fostering their living conditions.

India's senior citizens are safeguarded by a comprehensive legal framework, encompassing multiple laws and policies. The Constitution of India guarantees fundamental rights to all citizens, including senior

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citizens, ensuring equality before the law and protection against discrimination. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, serve as a comprehensive legal instrument aimed at safeguarding the rights and interests of elderly individuals. It stipulates provisions for maintenance, healthcare, and protection against abuse and neglect, among other rights. State governments have also enforced specific laws and policies to address the needs and concerns of senior citizens, such as the Karnataka Maintenance of Parents and Senior Citizens Rules, 2009. Additionally, the National Policy on Older Persons, formulated in 1999, outlines strategies for promoting the welfare and empowerment of senior citizens, including access to healthcare, social security, and opportunities for active aging which effectively aids in tackling the challenges faced by the elderly citizens.

Presence of grandparents is considered to be a blessing for each family. Grandparents play a vital role in a child's holistic development including emotional and social growth. They provide security and stability to the family and also deliver the sagacious advice whenever needed. Thus ensuring the realization of the rights of senior citizens has profound implications for both individuals and society at large. The Indian government has implemented various welfare schemes and programs targeting senior citizens, such as Indira Gandhi National Old Age Pension Scheme (IGNOAPS), earlier called as "National Old Age Pension Scheme (NOAPS)", the National Social Assistance Program (NSAP) and the Integrated Program for Older Persons (IPOP). Non-governmental organizations play a crucial role in advocating for the rights of senior citizens, providing support services, and raising awareness about their issues. There is a growing recognition of the importance of geriatric healthcare services, including preventive care, rehabilitation, and palliative care, to address the complex needs of senior citizens which are continuously growing in the society.

Ensuring elderly individuals' dignity and autonomy is crucial for social equality, as overlooking their needs can fuel isolation, health disparities, and generational rifts. Safeguarding their rights is morally essential and vital for cohesive, sustainable development. India's senior citizens require a multifaceted support system, combining strengthened laws, tailored services, and awareness campaigns to bridge generational gaps. By working together, India can foster an inclusive environment where seniors live with dignity, respect, and empowered participation, paving the way for a harmonious, age-diverse society.

In conclusion, the rights of senior citizens in India represent a complex and pressing challenge that necessitates concerted efforts from policymakers, civil society organizations, and other stakeholders. Through a comprehensive approach encompassing legislative reforms, targeted interventions, and public awareness campaigns, India can aspire to create an inclusive and age-friendly society where the rights and well-being of its senior citizens are upheld and respected.

Objectives

1. To assess the effectiveness of policies and programs aimed at promoting the rights of senior citizens.
2. To explore the Rights of Senior Citizens in understanding Implications and Advocacy.
3. To analyze the societal perspective on the aging population.

Methodology

The research methodology for this study is based on both qualitative and quantitative method of data collection. The study comprises a thorough review of existing literature, including scholarly articles, books and journals, legal documents, policy papers etc. to understand the current status and challenges faced by senior citizens. This review informs the development of a mixed-method research design, which combines; Thematic analysis of qualitative data (e.g. focus groups, and case studies) to gain in-depth insights into the experiences and perspectives of senior citizens. Statistical analysis of quantitative data (e.g. census data, and administrative records) to examine trends, patterns, and correlations.

Data analysis is conducted using both thematic analysis for qualitative data and statistical methods for quantitative data, enabling a holistic understanding of the issues at hand. Ethical considerations are rigorously adhered to throughout the research process, ensuring the confidentiality and informed consent of participants. This mixed-method approach allows for a robust examination of:

- The rights of senior citizens
- The effectiveness of existing policies
- The socio-legal implications of their implementation

By integrating both qualitative and quantitative methods, this study provides a comprehensive understanding of the complex issues

surrounding the rights of senior citizens, informing policy recommendations and advocacy efforts to promote their welfare and protection.

Review of Literature

Research by Chaudhary (1992) in “Aging and the Elderly” revealed that:

As parents age, they often experience a decline in respect, care, and support from their children. This shift can lead to feelings of abandonment, prompting many seniors to live alone and suffer from alienation. Consequently, this isolation can trigger stress, despair, and ultimately, severe health issues, highlighting the critical need for familial support and social connections in preventing illness among the elderly.

Paswan and Bansod (2006) in his study which was conducted in Amravati district of Maharashtra highlighted that rural India’s elderly, particularly those marginalized by illiteracy, widowhood, or financial dependence, face alarming rates of family neglect. This mistreatment often forces them to flee their homes, seeking shelter in old age homes. The issue underscores the need for targeted support and protection

Isha (2009) in her article points out that elderly individuals are often compelled to reside in old age homes due to mistreatment by family members, particularly sons and daughters-in-law. Additionally, the trend of families relocating abroad has left many seniors without caregivers, further contributing to the rise in old age home residents. This shift underscores the erosion of traditional family support systems and highlights the need for alternative care solutions.

Lekha and Bansod, 2011 on the basis of data collected from census has pointed out that there has been a steady increase in India’s elderly population, particularly in southern states, Punjab, and Himachal Pradesh. Kerala leads the surge in the south. As this demographic grows, it’s imperative to address the socio-economic challenges faced by seniors, who depend on younger generations and often struggle financially. Collective responsibility and targeted initiatives are vital to ensure their dignity and well-being.

A Varanasi-based study found that seniors face moderate quality of life. To alleviate their struggles, immediate social protection measures, such as pension and health insurance, are crucial. Enhancing access to essential services will significantly improve elderly living standards.

Butler, 1969, WHO, 2018, highlight the widespread ageism and discrimination based on in different ways like employment, healthcare and social services. It is found that elder people are helpless during their old age, so the socio-economic and health protection is required during this age and it is the responsibility of government, non govt. and family to provide best facility for the protection of the rights of the elderly people.

Research Gap

Existing research has shed light on the issues of mistreatment and neglect among the elderly, but it lacks a comprehensive analysis of the effectiveness of current policies and legal frameworks. There is a pressing need for studies that evaluate policy implementation and its impact on seniors' quality of life. Furthermore while research has discussed trends and challenges related to aging, longitudinal studies that track changes over time are noticeably absent. Comparative analyses across different regions are limited, and there is insufficient exploration of how modern social changes, such as work migration and shifting family dynamics, affect elderly well-being. Moreover, to protect and empower senior citizens, research must prioritize the NGO sector's impact on elderly rights, with a special focus on disadvantaged groups, including those with disabilities or chronic conditions. By filling this knowledge gap, we can develop targeted strategies to improve the well-being and dignity of vulnerable elderly populations.

Problems Faced by Elderly

As the world's population ages, ensuring the well-being and rights of elderly individuals has become a pressing concern. Despite medical advancements and social service improvements, seniors face myriad challenges, including health issues, financial struggles, social isolation, and discrimination. This study delves into the complex problems affecting elderly citizens, synthesizing academic research and empirical data to inform policy solutions. By exploring these multifaceted issues, stakeholders can develop targeted strategies to protect seniors' rights and enhance their quality of life, ultimately promoting dignified aging in today's society.

1. Physical and Mental Problems

One of the main concerns for senior citizens s health related issues.As individuals age, their physical and mental health often deteriorates, leading to chronic conditions, disabilities, and dependence on others for daily activities. Senior citizens commonly face health

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challenges such as arthritis, cardiovascular diseases, dementia, and sensory impairments, which significantly impair their quality of life. These physical limitations frequently give rise to mental health concerns, including stress, anxiety, depression, and memory loss, ultimately rendering seniors emotionally vulnerable. This interplay between physical and mental health issues exacerbates their dependence on caregivers and healthcare services, underscoring the need for comprehensive support systems.

2. Social Isolation

Senior citizens often face debilitating social isolation and loneliness, intensified by life events such as physical decline, and retirement. The loss of social connections can have profound consequences on mental health, elevating the risk of depression and cognitive impairment. Furthermore, social isolation restricts opportunities for community involvement and engagement, perpetuating feelings of disconnection and loneliness.

3. Discrimination and Ageism

Senior citizens often face pervasive ageism and discrimination, affecting their employment, healthcare, and social interactions. Deep-seated misconceptions about aging perpetuate systemic biases, restricting elderly individuals' opportunities for full societal participation. These ageist attitudes can compromise healthcare decisions, resulting in unequal treatment and limited access to essential services. To safeguard seniors' rights and dignity, addressing ageism and implementing inclusive policies is crucial.

4. Financial Challenges

Senior citizens, especially retirees and those living on fixed incomes, often face financial uncertainty. Meeting essential expenses like housing, healthcare, and medication becomes a struggle. Factors such as insufficient pensions, meagre savings, and escalating healthcare costs compound their financial woes, causing significant stress and anxiety.

Rights of Senior Citizens in India and Implementation Status

To promote the welfare and protection of its elderly population, India has established a comprehensive framework of laws, policies, and programs. These measures uphold senior citizens' rights, tackling the specific difficulties they encounter and fostering a secure and

dignified life. Following are the rights along with its implementation status:-

Right to Maintenance:

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, legally obliges adult children to provide maintenance to their elderly parents when needed. However, effective implementation remains elusive. Data from Help Age India reveals that, as of 2020, only 23 states and union territories have established guidelines under this Act, exposing regional disparities in enforcing this critical right.

Right to Healthcare:

The National Health Policy, 2017, emphasizes the need for accessible and affordable healthcare services for senior citizens. However, the implementation of this right is hindered by various challenges.

According to the National Sample Survey Office (NSSO) data from 2014, a significant proportion of elderly individuals in both rural and urban areas rely on private healthcare services due to inadequate public healthcare facilities. Approximately 86% of rural elderly and 82% of urban elderly sought healthcare from private providers, underscoring the significant gaps in public sector healthcare accessibility.

Right to Social Security:

The Indian government provides various social security schemes for senior citizens, including the Indira Gandhi National Old Age Pension Scheme (IGNOAPS). However, the state level implementation varies.

According to the Ministry of Statistics and Program Implementation, only around 30% of eligible elderly individuals received old age pensions as of 2020. This indicates a significant gap between the number of beneficiaries and the total elderly population eligible for social security benefits.

Right to Legal Aid:

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, include provisions for legal assistance to senior citizens. The Act provides legal safeguards for India's elderly. However, limited awareness and inaccessible legal aid hinder effective implementation. Rural areas face acute shortages of legal services, leaving seniors vulnerable and uninformed about their rights.

Right to Non-Discrimination:

Senior citizens have the right to be treated with respect, dignity, and equality, without any form of discrimination based on age, gender, religion, or caste. However, cases of abuse, neglect, and discrimination against the elderly are reported in India. According to the National Crime Records Bureau (NCRB), there were 30,180 reported cases of crimes against senior citizens in 2019. These include physical abuse, financial exploitation, and neglect, highlighting the prevalence of age-based discrimination and violence in society.

Right to Property:

Laws like the Hindu Succession Act, 1956, safeguard senior citizens' property rights. However, entrenched cultural practices and patriarchal norms fuel disputes, disproportionately affecting elderly women. Despite legal protections, societal biases hinder implementation, leading to discrimination and denial of rightful inheritance. Elderly women, in particular, often face discrimination.

India has made notable progress in acknowledging senior citizens' rights, but significant implementation gaps remain. Inadequate infrastructure, restricted social security access, and age-based discrimination hinder the effective realization of these rights. Concerted efforts from government, civil society, and communities are essential to address these challenges, ensuring dignity and well-being for elderly individuals across India.

Conclusion

In conclusion, the discourse on the rights of senior citizens and their implications underscores a pivotal moment in societal consciousness, urging us to redefine our approach towards aging populations. This research illuminates the multifaceted dimensions of senior rights, transcending mere legal frameworks to encompass the broader spectrum of social, economic, and ethical considerations. It unequivocally demonstrates that the well-being and empowerment of older adults are not merely moral imperatives but fundamental pillars of a just and compassionate society. Through a nuanced exploration of the challenges faced by senior citizens, this article elucidates the imperative for comprehensive policy reforms aimed at safeguarding their rights. From healthcare disparities to financial insecurity and social isolation, the obstacles confronting older adults are manifold and demand urgent attention. Moreover, it accentuates the need for

intersectional approaches that acknowledge the intersecting identities and experiences shaping seniors' lives, particularly those belonging to marginalized communities.

Furthermore, this research unveils the far-reaching implications of neglecting senior rights, both at individual and societal levels. Beyond the erosion of dignity and autonomy, the marginalization of older adults perpetuates cycles of inequality and undermines the fabric of social cohesion. By overlooking the wisdom, experience, and contributions of seniors, we not only diminish our collective heritage but also squander invaluable reservoirs of knowledge and resilience. In light of these insights, this article calls for a paradigm shift in our perception of aging, one that transcends ageist stereotypes and embraces the inherent value and potential of older individuals. It advocates for the creation of age-friendly environments that foster inclusivity, accessibility, and meaningful participation for seniors across all spheres of life. Moreover, it underscores the importance of intergenerational solidarity, recognizing the symbiotic relationship between generations as a cornerstone of a thriving society.

In essence, the rights of senior citizens are not merely a matter of policy or legislation but a reflection of our commitment to justice, equity, and human dignity. As we navigate the complexities of an aging world, let us heed the lessons of this research and strive to create a future where every individual, regardless of age, is afforded the respect, support, and opportunity they rightfully deserve.

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