



## **POPULATION AGING: REASONS AND CONSEQUENCES**

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### **ABSTRACT**

The abuse of the elderly- physically and emotionally, by persons in position of trust is an international phenomenon. Rights which people enjoyed as productive members of the society do not cease to exist as one grows older. With the development in the Indian health care system the mortality rate has declined, resulting in a sharp increase in the number of the aged, which the society is incapable of accommodating. Before the advent of globalisation and industrialisation, the structure of families in India was 'joint', as opposed to the 'nuclear' family structure prevalent in present times. This could be one of the reasons why the elderly now face issues of neglect and abuse. The abuse of the elderly range from passive neglect to willful deprivation.

Over the years, instances of neglect and atrocities against the elderly members of family/society have shown a drastic upward curve to the extent that this became a social issue which could no longer be ignored. This has resulted in the enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. But the atrocities against the elderly do not end with mere enactment.

This paper seeks to analyse the history of change in the social structure, the important changes that are taking place in the age structures of the populations around the world, recent Indian trend of abandonment, other challenges faced by the elderly and the role of the government.

### **INTRODUCTION**

The world's population is ageing. The aged population is currently at its highest level in human history. This is driven by declining fertility rates and/or increasing life expectancy.<sup>2</sup> Virtually every country in the world is experiencing growth in the number and proportion of older persons in the population. The only exception being the 18 countries designated as

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<sup>2</sup> World Population Ageing: 1950-2050, United Nations Populations Division.



"demographic outliers" by the UN.<sup>3</sup> Population ageing—the increasing share of older persons in the population—is poised to become one of the most significant social transformations of the twenty-first century, with implications for nearly all sectors of society, including family structures and inter-generational ties.<sup>4</sup> The UN predicts the rate of population ageing in the 21st century will exceed that of the previous century.<sup>5</sup> Even so, older people's rights are mostly invisible under International law.

### **ABUSE OF THE ELDERLY**

The changes in the life style in modern times have led to an increase in number of the elderly either living alone or without adequate care. This has put them in a vulnerable situation. They fall prey to conmen who entice the elderly with promises of gifts and lottery and in the end cheat them of their hard earned money. Even the educated elderly living in metropolitan cities are often cheated.

Elder abuse includes sexual abuse, physical abuse, emotional abuse, exploitation, neglect and abandonment. The elderly are preyed upon by their children, other family members, as well as staff at nursing homes and old age homes. The elderly are abused mainly because they are considered useless and defenseless and often a financial burden. National Crime Record Bureau (NCRB) data of crimes incidence against the elderly highlights this fact. It has been recorded that Delhi is the most unsafe city for the elderly in India, with a rate of 108.8 crimes per 100,000. Senior citizens in Delhi are almost five times more likely to become victims of a crime than the rest of the country. The national rate for such crimes stands at 20. Delhi is followed by Madhya Pradesh 60.5 (3,456 cases), Chhattisgarh 53.7 (1,077 cases) and Andhra Pradesh 51.6 (2,495 cases). A total of 1,867 cases were reported under cheating across India followed by robbery (1,294), murder (1,053), grievous hurt (949), attempt to commit murder (456), extortion (94), culpable homicide not amounting to murder (78), rape (58), attempt to commit culpable homicide (50), dacoity (47), dacoity with murder (2) and acid attack (1). A total of 14,586 cases were in the category of "other IPC crimes".<sup>6</sup> The National Crimes

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<sup>3</sup>United Nations Development Programme (September 2005). "UN Human Development Report 2005, International Cooperation at Crossroads-Aid, Trade and Security in an Unequal World" (PDF). United Nations Development Programme.

<sup>4</sup>[http://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2017\\_Report.pdf](http://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2017_Report.pdf)

<sup>5</sup>World Population Ageing: 1950-2050, United Nations Population Division.

<sup>6</sup><http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>



Records Bureau for the first time introduced a category classified as crimes against senior citizens in 2014 and this shows an incline in crimes against the elderly when compared to previous years.

Recently there has been an alarming increase in cases of abandonment. Abandoning of the elderly is a form of elder abuse which occurs when a person who has assumed responsibility for providing care to an elderly deserts that elderly. Elder abandonment is generally defined as the purposeful and permanent desertion of an elderly. The victim may be left at a hospital, nursing home, or in a public place. In India, the elderly are also abandoned at places of worship, especially during festivals where a large number of devotees gather. During these festivals the elderly are abandoned under the disguise of people getting lost. “Kumbh Mela”, the world’s largest congregation of religious pilgrims, is one such festival. Most of the elderly are uneducated and don’t venture outside their homes on their own resulting in them not being able to find their way back home. These elderly who are “lost” have the option of either entering government run shelters or move to other holy cities where, in some cases, they are taken in by temples or charity-funded shelters. However, many remain on the streets begging.

Causes for the elderly being abandonment in both traditional and modern societies are for financial or social reasons. In modern societies, the elderly are abandoned mainly for two reasons, either the person abandoning does not have the resources to take care of the elderly or the person abandoning considers the elderly a burden. Not providing needed care is also abandonment.

Thalaikoothal is a form of senicide practiced in Tamil Nadu, a Southern state in India. Senicide or geronticide is the abandonment to death, suicide or killing of the elderly. The elderly is given an extensive oil-bath early in the morning and subsequently made to drink glasses of tender coconut water which results in renal failure, high fever, fits, and death within a day or two. Even though it is illegal, it has received social acceptance as a form of mercy killing.

## **PROTECTION OF THE ELDERLY- POLICIES AND LEGISLATIONS**

### ***National Policy for Older Persons***



This scheme was setup in 1999. There is an inter-Ministry commission setup to implement this Policy. The main objective of this scheme is to improve the quality of life of senior citizens by providing basic amenities like shelter, food, medical care and entertainment opportunities. It also aims at encouraging productive and active ageing by providing support for capacity building of Government/Non-Governmental organisation (NGOs)/ Panchayati Raj Institution (PRIs)/ local bodies and the community at large. Four new schemes which were envisaged to be implemented during the XIIth Plan have been merged with the programs of this scheme. These are:-

- Awareness generation for the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
- Setting up of Help lines for Senior Citizens at National and District levels
- Scheme for implementation of the New National Policy for Senior Citizens

### ***National Council for Older Persons (NCOP)***

NCOP was constituted by the Ministry of Social Justice and Empowerment to operationalise the National Policy for Older Persons. NCOP was established with an objective to advise the government on policies and programs for older persons, to provide feedback to the government on the implementation of the National Policy for Older Persons as well as on other specific programs initiated for older persons.

### ***The Varishtha Pension Bima Yojna 2017***

The interest rates in banks fluctuate depending upon cash inflow. This scheme provides guaranteed interest rate to senior citizens who are solely dependent on interest rate of banks as income.

### **Legislations**

Social security is the concurrent responsibility of the Central and State governments. The well-being of seniors is mandated in the Constitution of India under Article 41, and apart from this there are a few other legislations wherein the rights of parents are protected. For example, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, The Hindu Adoption and Maintenance Act, 1956 and The Muslim Law, etc.

### ***Indian Constitution***



**Article 41 Right to Work, to Education and to Public Assistance in Certain Cases** The State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and other cases of undeserved want.

In the fall of life, the State shall ensure to the citizens reasonably decent standard of life, medical aid, freedom from wants, freedom from fear and enjoyable leisure, relieving the boredom and humility of dependence in old age. This is what Article 14 aims for, when it enjoins the State to secure public assistance in old age, sickness and disablement.

**Maintenance and Welfare of Parents and Senior Citizens Act, 2007** was enacted to provide more effective provision for maintenance and welfare of parents and senior citizens. This Act makes it a legal obligation for children and heirs to provide maintenance to senior citizens and parents. This Act also provides simple, speedy and inexpensive mechanism for the protection of life and property of older persons. If a senior citizen, after the commencement of this Act, has transferred his property either movable or immovable, by way of gift or otherwise, subject to the condition that the transferee shall provide him basic amenities and physical needs and thereafter such transferee refuses or fails to provide such promise, such transfer of property shall be deemed to have been made by fraud, coercion or undue influence and the Tribunal can declare such transfer as void. If such children or relative who is directed to pay maintenance fail to comply with the order of the Tribunal without sufficient cause, the Tribunal may issue warrant for levying the amount due from them in the manner of levying fines and can also sentence the erring Respondent to imprisonment that may extend to one month or until payment made, whichever is earlier.

**Code of Criminal Procedure, Section 125 (1)** - If any person having sufficient means neglects or refuses to maintain-

(d) his father or mother, unable to maintain himself or herself.

**The Hindu Adoptions and Maintenance Act, 1956, Section 20. Maintenance of Children and Aged Parents -**

(1) Subject to the provisions of this Section a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.



(3) The obligation of a person to maintain his/her aged or infirm parent or a daughter who is unmarried extends in so far as a parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property. (In the section parent includes a childless step mother).

### ***Muslim Law***

According to Muslim law, both sons and daughters have a duty to maintain their parents. The obligation, however, is dependent on their having the means to do so.

## **CONCLUSION**

Older persons are not a homogenous group, and the challenges faced or the rights enjoyed also vary. They face threats of physical, emotional, economic and social exploitation. In spite of several legislations and schemes introduced by the Government for the welfare of the elderly, only a thin trickle of the benefits seems to be actually percolating down to the needy. As statistics prove, in spite of provisions for drastic punishments against the perpetrators, crimes and atrocities against the elderly are on the rise. The media regularly carry stories of such abuses and the steps taken by the authorities against the perpetrators but this does not appear to deter others from committing the same atrocities.

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill 2018 has been finalized to provide better care to the elderly. The main amendments to the act of 2007 are:

- The definition of children responsible for an old parent has been expanded- “children” includes son or daughter whether biological, adoptive or step, son-in-law, daughter-in-law, grandson, granddaughter and also includes a minor through his/her legal Guardian as the case may be.
- The 2007 Act had a cap on maintenance of Rs.10000. The 2018 Bill proposes to take away this financial cap.
- The punishment for abandonment in the 2007 Act was imprisonment upto a period of 3 months, fine of Rs. 5000 or both. It has been amended to imprisonment for a period which may extent to 3 to 6 months, fine of Rs. 10000 or both.

Hence, in addition to bringing out new Legislations for the protection of the elderly, our society needs to be re-educated of the importance of caring for our parents in their old age. Even though no law would be deterrent enough to totally prevent the abandonment of the



elderly if the individual does not have a sense of responsibility towards their elders, drastic and quick punishments might go a long way in bringing down the crimes to some extent.