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Chandrashekar, S.V

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GOVERNMENT AMENITIES AND LAWS RELATING TO
THE ELDERLY PEOPLE IN INDIA

*Chandrashekar.S.V^{*1}*

Introduction:

In Indian societies the family structure is more complex and the human relations are to be valued, its starts right from the socialization processes in human life. Recently those concepts are drastically changing due to the life style adopted by the people losing every kind of values, confining with selfish nature by suppressing the humanitarian views. These developments are affecting directly or indirectly towards innumerable social problems. Violence against elderly people is no exceptions. Such developments are presently breaking the family structure and humanity. Elderly crimes are most serious issues in Indian conditions. At presently there are 95 million population in India is above 60 years of age according to Help Age India Report predicted changing values in family system, economic compulsion of the children, Neglect and abuse are kind a serious problem in India makes flowing elder population towards Old Age Homes. The elders are most vulnerable to the crimes and easily become victims. Weak conditions may enhance the precipitation chances.

The constitutional Provisions for Elders

The constitution of India in the protection of elders dignity and safety in all sorts of conditions, has given the certain provisions mentioned in constitutional directive principles.. It's the direction to all the people shall respect the provisions. Article 41, states, to make effective of right to work and assistance by public, Article 46 also states, the provision for the

¹ *Assistant Professor, School of Criminology and Criminal Justice, Rani Channamma University, Belagavi*

educational and economic interest of the weaker sections to be made by the state.

Legal Provisions

In the Indian Criminal Justice system, the local special laws are having important role. Especially the canonical laws relating to the religious are not uniform in nature, applicable conditions varies from religion to religion in India.

The criminal Procedure Code

The section 125 of Cr.p.c, states the Elder parents appeal to maintenance form their children, it is applicable to all the people in uniform. But the reality will be investigated if they are not provided truly the relevant maintenance. It is also humanitarian concept that every children should look after their parents. But the procedural law makes provisions. The rights of the elders recognized by the section 125(1)(d) of the Code of criminal Procedure 1973, and the section 20(1and3) of the Hindu Adoption and Maintenance Act, 1956.

Personal Laws: It is virtual and moral issue of the children to look after their parents; however the legal frame works also initiate the same.

A) Hindu Laws: This is an religious law for the Hindu's in India, the statutes provides the maintenance of parents under the law is stated in the section 20 of the Hindu adoption and maintenance act 1956, that shall impose an obligation on the children to look after their parents.

B) Muslim Law: The act states that the children have their duty to maintain their aged parents. Children should bind to look after, the role of the son to take care, son also shall help the parents in their earnings.

Human rights Perceptive

Human rights are derived through the roots of the fundamental rights of human beings to live, the Universal declaration of Human rights, section 25 states, that the every person has his right to live with standard, with health and wellbeing himself, in the basic needs like food, clothing, Housing, Medical service, and all sorts of social service and right to security in the employment. The elder's dignity and the abuse are to strictly taken enough care; every person is to be liable to the all rights.

The United Nations Principles on Rights of Elderly

The national policy of elders was declared by the Government of India in 1999, it is guideline through the United Nation General assembly made its decision to note the year 1999 as International year of older persons in keeping the assurance to older persons. Further developments in international context, UN general assembly made proclamation on ageing and the global targets in the year 2002. The United Nations organization assures the rights of elderly in order to protect them by discrimination and abuse. Today's condition of the elders is most perturbing due to negligence and abuse of their dignity. As human beings we should treat them with care. There are so many reasons to explain the pain of elders insecure from their own families. This is prime objective to ensure the dignity with the protected rights. Hence the action with the guidelines of United Nations has been enacted. Some of the principles are followed,

- 1). Older persons should have their opportunity to work and determine themselves when to leave the job.
- 2). Elders should remain integrated with the society and they should actively participate in the formulation of Policies which affect their well-being.

- 3). Elder persons shall entitle in opportunities for the full development of their potential and have access to educational, cultural and spiritual also the recreational resources of society.
- 4). Elder persons should be able to live in dignified and safety also free from exploitation and mental as well as physical abuse.

The Maintenance and Welfare of Parents and Senior Citizen Act , India– 2007.

The act is enacted with the objectives of upholding the welfare of the elders. It is strictly initiated that the children shall maintain their elders, Grand Parents and other relative elders shall come under the maintenance. And also the act ensures protection to their lives and property. Further this act also suggests the creations of Old age homes for those elders in needy. State governments should establish Old age homes with the inmate's number 150 in every district level. This act also emphasizes to establish the tribunal in every district in order to facilitate every elder to claim their rights of the maintenances from their children. The monthly expenditure of rupees 10,000/- shall claimed by the elders from their children, if they do not pay, they may experience liable for punishment of 3 months of imprisonment or 5000 rupees fine or both.

The Concessions and Facilities Given to Senior Citizens in India.

There are several facilities available to the elders in India in order to empower them to lead dignified life with good health. The Union government of India has facilitated with minimum facilities and also it is same with the respected state governments. The following facilities are ensured by the various ministries are

Ministry of Social Justice and Empowerment: This is the ministry where the prime responsible laid within its establishment for the welfare of the

Senior citizen virtually. It has announced the National Policy on Older persons of 60 years of age and above. The implementation and Schemes are, 1). An Integrated program for Older People (Plan Scheme)- This is the scheme for formulating by revise of the earlier plan “ Assistance to Voluntary Organization for programs relating to the welfare of the aged”. In this the financial assistance is available of 90% of the project cost is provided to NGO’s for establish and to the maintenance of Old age Homes, Day care Centers, Mobile medical care units and to provide non institutional service to older persons.

2). The Scheme of assistance to Local bodies or Panchayathi rai, Voluntary institution, Self help Group for Construction of old age Homes, Multi service centers for older person (non-plan scheme) under the scheme one time construction grant for old age homes, multi service centers are provided to non-governmental organizations on the recommendation of the state governments and union territories.

Ministry of Finance: The income tax rebates up to the income of rupees 3 lakh per year. And also the high rate interest on saving schemes to the senior citizen. The savings scheme offers an interest rate is 9% per year on the deposits made by the senior citizen in post offices has been introduced by the government through post offices in India.

Ministry of Road Transport and Highways: Two seats will be Reserved for the senior citizen in front seating’s in the public transport of the respective state governments. Some states are providing concessions to the senior citizen in the state road transport.

Ministry of Health and Family Welfare: There is a facilitation of separate queues for the hospitals and the clinical examination and the preferences are given.

Ministry of Railways: Indian Railways are the best mode of transportation in India available to the senior citizen. There is a 30% of the fare reduction

and concession facilities in all the train tickets for the senior citizens of the 60 years of the age and above. Also the ministry provides separate counters to get purchase the tickets. Some social and humanitarian value are protected, wheel chair in all the stations.

Ministry of Civil Aviation: India airlines provide 50% of the concession in normal economy class for the senior citizen. The age shall be 65 years and above. 63 years in case of female.

Ministry of Consumer affairs, Food and public Distribution: The various schemes are provided to the elders under the Anthyodaya scheme, the below poverty Line families provided food grains at the rate of 35 kg per family per month. Under the Annapoorna Scheme implemented by the state and the Union territories, for elders those who are not covered under the old age schemes. The scheme offers food grains.

This is how the government at the central level and the respected state governments are providing the various facilities to the senior citizen.

Legal Services

The legal services are available through the Government of India. The Free legal services are mandatory in the entire district across the country through the Legal service Authority. Elder citizen also can be benefitted under this; some Lawyer's associations are providing free service to the elders voluntarily. Also NGO's helps in this regard, those who are needy can approach the concerned authorities.

Other Government Policies and the Schemes:

Government motto is to protect the elders in promoting their health, Well-being and to make capable independently. Some of the available policies are,

A) National Policy for Older Persons: The Union Government of India enacted the National policy for older persons in 1999 to promote the Health, Safety, Social Security and Care. This policy considers the age of 60 and

above is elders. The prime intention behind is to encourage the families to take care of their parents and grandparents, to support, also this policy provides the facilities to the Voluntary and NGO's to ensure the dignity of the elders who are so vulnerable in the society. This policy also ensures the financial security, Health care, Nutrition, Shelters, education, welfare, Protection of life and Property.

B) National Council for older persons: National council NCOP has been established by the ministry of Social Justice and Empowerment with basic objectives like, advising the government to enact the suitable policy, provides the feedback and implementations, initiatives and special programs, redressing and grievance cells, concessions, rebates, discounts at government and corporate sectors, establish old age homes.

C) Integrated Program for Older Persons: Ministry of Social Justice and Empowerment provides the scheme of financial assistance about 90% of the project cost to NGO's, this is going to be used for old age homes, Centers, mobile Medicare units. These facilities are also extended to the Government Panchayathi raj, institutions, Local Bodies. These institutions shall serve by establish of Day Care centers, Alzheimer awareness, Dementia, Physiotherapy clinics, Helplines, Counseling centers, Sensitizing programs, awareness, Formation of senior citizen associations.

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Conclusion

As society progresses, the living conditions and lifestyle are fluctuating due to various reasons. Stress full life leading people towards more complexes in living standards. These progressive changes are not towards humanitarian values, but towards the negligence in relations. Socialization helps human beings to get more advances in the morality. Somehow the values are declining 21st century globally considered as century of elders. It is shameful to abuse elders are showing negligence. However laws are there to



protect, still the socialization starts through the families hence the responsibility on every people educate the future generation to be good human beings.

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