

# Old age people and Human Right: A Socio-Psychological Perspective

Manujita Baruah

Department Of Sociology, D.D.R. College, Chabua

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## Abstract

Ageing is a universal and socially constructed phenomenon. Old age is a natural stage phenomenon in the life of every human being. Theoretically, it precedes spontaneously right from a person's moment of birth. Ageing comes to all organisms as a process of regular change that is invariably accompanied with clear and manifest decline in psychological competency. In India, people who have attained 60 years and above are defined as elderly. It is more a social construct rather than a biological stage. The process of ageing is a very individualistic phenomenon. But throughout the world, large numbers of older persons face challenges such as discrimination, poverty and Abuse that severely restrict their human right and their contribution to society.

Human Rights are the basic rights which fundamentally and inherently belong to each individual. Thus, Human Right is fundamental rights which human being possesses by fact being human. According to United Nation's Universal Declaration of Human Rights in 1948, include cultural, economic and political rights, such as right to life, liberty, education and equality and right of association, belief, free speech, information, religion movement and nationality. This paper try to analyse / examine the available laws, policies and protection of the human rights of old age person in Assam.

**Keywords:** Old age, Human Rights, Problems, Abuse, Laws, Protection, Conclusion.

## INTRODUCTION

Ageing is a Universal and socially constructed phenomenon. Old age is a natural stage in the life of every human being. Theoretically, it precedes spontaneously right from a person's moment of birth. . Old age and ageing revolved around a series of problems which ranges from physiological, cultural, social factors to the passage of time. Many believe that ageing is a biological reality and it is largely beyond human control. But it is not true. The old age is also based on the conceptions of the different societies which prescribes some norms for old age. Old age is also accompanied with clear and manifest decline in psychological competency. It is seen that the assistance to the old persons provided by the family members traditionally which acts as the support specially in the joint family system prevailed in India. But with the 'so-called' urbanization and migration of the younger generation, a transition in the family and the support system has resulted into nuclear families. Hence old people have become lonely in terms of financially, physically and mentally. Old age is a natural process. It brings some of challenges in the life of the old age. But Ageing research has shown a positive correlation with a man's coping skills and his ability to age more successfully.

The concept of ageing is a varied one involving both positive and negative perceptions. Ageing, with respect to its nature and functioning in the human life. Aged represents the people who passed an age of strength to work and who are above Sixties. They are often contemptuously called as "Old Brooms" and sometimes honorably called "Senior Citizens". In India, people who have attained 60 years and above are defined as elderly. As well as the state of Assam also accepted the age 60 years as the limit for being an elderly persons.

According to Gorman M. "The ageing process is of course a biological reality which has its own dynamic, largely beyond, human control. However, it also subject to the constructions by which each society makes sense of old age. In the developed world, chronological time plays a permanent role. The age of 60 or 65, roughly equivalent to retirement ages in most developed countries is said to be the beginning of old age. In many parts of the developing world, chronological time has little or no importance in the meaning of old age. Other socially constructed meanings of age are more significant such as the roles assigned to older people. In some accompanying physical decline which is significant in defining old age. Thus, in contrast to the chronological milestone which mark world, old age in many developing countries is seen to the begin at the point when active contribution is no longer possible".

This paper is part of a series debates around the old age, rights, problems, Abuse, Laws Protections and conclusion of old older

people.

#### Human Rights:

Human Rights are the basic rights which fundamentally and inherently belong to each individual. Thus, human right is fundamental rights which human being possesses by fact of being human. Human rights are Universal and Civil, political, economic, social and cultural rights belong to all human beings including older people. Human rights are freedoms established by custom or international agreement that impose standards of conduct on all nations. Human rights are universal and do not wither away from an individual with age. All the internationally recognized laws and the principles enumerated in the human rights treaties equally extend to both older individuals and younger individuals. It means all the civil, political, economic, social and cultural rights belong to all human beings, including older people. It is important to mention here that only after the First World Assembly on Ageing at Vienna in 1982, attention was given to the social, economic and political dimensions of the problems related to aged population.

The proportion of older people is expected to rise three to four fold in the next 40 years. The number of people aged 60 years in India and over which was 76 million in 2000 is expected to reach 323 million by 2050. As per 2001 Census, total population of senior citizens (60+) was 7.7 crores, of which population of males and females was 3.8 crores and 3.9 crores respectively.

As part of the Indian Union the Eight North Eastern states also come under the purview of the legal provisions available for securing the basic human rights of elderly people in the Indian context. However for historical and political reasons the North Eastern of India has been cut off from the main-stream of the Indian Society. The old age people of Assam faced certain peculiar problems relating to human rights.

Title of the paper: The present study is entitled as old age people and Human Rights: A Socio-psychological perspective.

#### OBJECTIVES OF THE STUDY:

1. To highlight the status of old age people.
2. To make the old age people aware of the Rights.
3. To study whether any positive changes takes place of old aged people.
4. To increase practical information and skills through various channel available for the redressal of grievances live the police, and judiciary, help live etc.

#### DATE SOURCE AND METHODOLOGY:

Secondary data will be collected for the study. The research design for the proposed study will be descriptive. In this study the researcher will make attempt to explore the different socio-psychological variables which motivate of old aged people.

The methodology used in this paper is conventional. Important inputs for the study are collected from the comments of the experts made available from different Books, Journals, newspapers, various websites, personal experiences and Electronic media etc.

Old age people in Assam: History reveals that there is a continuous struggle to establish the identity in the form of autonomy by the people of North East India and as a part Assam which has been leading to socio-economic, culturally and politically deprive in this part. It is believed that old age people of Assam in India particularly more secure than other parts of the country. But the aged persons face various problems, like feeling mentally and physically weak, then, there are the inevitable effects of the ageing process which makes these persons vulnerable to dispenses and solved down their activity.

The mass poverty and fast speed of industrialization and Urbanization have made the position of the aged people more complex. Old age people and Human Rights can play a very significant role for elderly people in North East India and specially Assam. They faced different problem lack of literacy and awareness. It will be create a general awareness among them about the different government schemes available. Hopefully, the Govt. of Assam will implement legislations and create greater comfort for the elder people.

#### Problems of the old age people:

The elderly people particularly grandparents were the happiest lots in the joint family system where every other member of the family loved and respected them. There wisdom, knowledge and experienced were valued as a family treasure.

At time passed due to social and economic changes resulting from growth in education and job opportunities, migration and Urbanization by subsequent generations, joint family and even the joint living system caved into give away. So, the old age problem has emerged as an offshoot of the extinction of the joint family. Another following major problem is –

1. Physical and physiological problem included – health, medical, nutritional deficiency and adequate horsing etc.
2. Economic problems included like loss of employment, income deficiency and economic insecurity.
3. Psycho-social problem like discrimination, elder abuse etc.

Abuse of old people:

Older abuse is very often the result of long term family conflict. The increased physical vulnerability of older persons causes greater susceptibility to violence and abuse at home, changed power relation, financial abuse and psychological or physical.

Discrimination is a violation of one's human rights. Many older persons are treated differently because of their age. Older persons are disproportionately affected by poverty. Lack of secure minimum income causes many older persons and their families to fall into poverty in Assam.

Risk factors for older Assam:

Throughout the world, large numbers of older persons faced challenges such as discrimination, poverty, abuse like physical and mental. The older persons are physically and mentally, Sociological, psychological and gerontology weaker than studies shows that old age people associated with depression and loneliness.

Development of Human Rights of Older Persons:

First time ageing concept was debated at the United Nations in 1948 at the initiative of Argentina. After that ageing issue raised by Multa in 1969. In 1971 the General Assembly asked report and suggest guideline for the national and international action.

The first time states agreed on a comprehensive statement of Human rights was when the Universal Declaration on Human Rights was adopted by UN General Assembly in 1948. The plan attempted to promote understanding of the social, economic and cultural implications of ageing and of related humanitarian and developed issues.

Initiative of the Central Government

The Parliament in 2007, enacted the most important legislation as Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Department of Social Justice and Empowerment is entrusted with the problems which are related to the welfare of Senior Citizens. It is important to mention here that the Directive Principles of State Policy of the Constitution of India is also work for the welfare of the older persons. The article 41 of Directive principles of state policy has particularly relevance to old age social security.

Protection Under National Laws:

In constitutions of India, 24 in list III of schedule VII deals with welfare of Labour, including conditions of work, provident fund, economic capacity and development old age pension and maternity benefits. Further, item No. 9 of the state list and item 20, 23 and 24 of concurrent list relates to old age pension, social security and social insurance and economic and social planning.

Legal Provisions:

The right of parents, without any means, to be supported by their children having sufficient means has been recognized by section 125 (I) (d) of the code of criminal procedure 1973 and section 20 (1&3) of the Hindu Adoption and Maintenance Act 1956.

Personal Laws:

The mortal duty to maintain parents is recognized by all people. However, so far as law is concerned, the position and extent of such liability varies from community to community.

a) Hindu Laws:

The statutory provision for maintenance of parents under Hindu personal laws is contained in section 20 of the Hindu Adoption and Maintenance Act, 1956. This Act is the first personal law statute in India, which imposes an obligation on the children to maintain their parents. As is evident from the wording of the section, the obligation to maintain parents is not confined to sons only; the daughters also have an equal duty towards parents. It is important to note that only those parents who are financially unable to maintain themselves from any source, are entitled to seek maintenance under this Act.

b) Muslim Law:

Under the Muslim Law also children have a duty to maintain their aged parents.

According to Mulla –

i) Children in easy circumstances are bound to maintain their poor parents, although to apply under provisions of the criminal procedure code.

ii) A son in stressed circumstances is bound to maintain his mother, if the mother is poor, though she may not be infirm.

iii) A son, although poor, is earning something, is bound to support his father who earns nothing.

According to the Muslim law, both sons and daughters have a duty to maintain their parents.

C) Christian and Parsi Law:

The Christians and Parsis have no personal laws providing for maintenance for the parents who wish to seek maintenance have

to apply under provisions of the criminal procedure code.

Protection under the code of criminal procedure:

The criminal procedure code 1973 is a secular law and governor persons belonging to all religions and communities. Daughters, including married daughters, also have a duty to maintain their parents. The provisions for maintenance of parents under the code were introduced for the first time. In section 125 (1) of the code criminal procedure in 1973.

Government policies and schemes for older persons.

A) National Policy for older persons.

Over the years, the govt. has launched various schemes and polities for older persons. These schemes and polities are meant to promote the health well being and independence of senior citizens around the states.

With the inspiration from the Vienna International Plan of Action on Ageing 1982, United Nations Principles for Older Persons 1991, the Proclamation of Ageing and the Global Targets on Ageing for the year 2001 adopted by the General Assembly in 1992, various states also started to enact laws on various issues relating to old aged people. The central Govt. came out with the National Policy for older persons in 1999 to promote the health, safety, social security and well being of senior citizens in India. This policy strives to encourage families to take care of their older family members. The policy has identified a number of areas of invention – financial, security, healthcare and nutrition, shelter, education, welfare protection of life and property etc.

According to this policy, individuals can make provisions for their own old age and the policy encourages families to look after their older family members. Voluntary and NGOs are encouraged to provide care and protection to the elderly people when needed. Different aspects of elderly people like health care, sensitization and training facilities to the caretakers are given importance of the policy. The policy strengthens states in promoting and protecting the welfare of older persons in terms of financial security, health care, shelter etc. It also enables the state to protect elder people against abuse and provide opportunities for development of the older persons, through active participation.

This policy has resulted in the launch of new schemes such as –

1. Strengthening of primary health care system to enable it to meet the health care needs of older persons.
2. Training and orientation to medical and paramedical personal in health care of the elderly.
3. Promotion of the concept of healthy ageing.
4. Provision of separate reservation of beds for elderly patients in hospitals.
5. National Council for older persons.

B) National Council for older persons.

A national council for older persons (NCOP) has been constituted by the Ministry of social justice and empowerment. The basic objectives of the NCOP are to-

- a) Advice the Govt. on policies and programmes for older persons.
- b) Provide feedback to the Govt. on the implementation of the national.
- c) Provide a nodal point at the national level for redressing the grievances of.
- d) Suggest steps to make old age productive and interesting.
- e) Undertake any other work or activity in the best interest of older persons. etc.

C) Integrated programme for older persons:

The programme for older persons is being implemented since 1992. Under the scheme financial assistance up to 90% of the project cost is provided to Non-Governmental organizations for running and maintenance of old age homes, day care centres and mobile medicare units. The scheme has been revised w.e.f. 1.4. 2008 and several innovative projects have also been added as being eligible for assistance under the scheme. These are:

1. Maintenance of care Homes.
2. Day care centres for Alzheimer's Disease / Dementia patients.
3. Physiotherapy clinics for older persons.
4. Help lines and counseling centres.
5. Formation of senior citizens associations.
6. Training of care givers to the older persons etc.

D) Present concessions and facilities available.

a) The Ministry of Railways provides facilities to senior citizens:

1. Separate ticket counters.
2. Provision of lower berth to male passengers of 60 years and female passengers of 45 years and above.

3. 40% and 50% concession in rail fare for male aged 60 years and above and female passengers aged 58 years and above respectively.

4. Wheel chairs at stations for old age passengers.

5. Indian Railways have recently introduced specially designed coaches who have provisions for hand rails and specially designed toilets for handicapped persons.

b) Ministry of Road Transport and Highways:

1. The Ministry of Road Transport and Highways has taken initiatives for providing reservation of two seats for senior citizens in front of row of all state Government busses.

2. Some state Governments are giving fare concession to senior citizens in the state Road Transport Undertaking buses and are introducing Bus Models, which are convenient to the elderly.

c) Ministry of civil aviation:

a) Travel by Airlines:

i) Senior citizens are entitled to 50% discount on Economy Class fares on all flights of Indian Airlines subject to certain conditions.

ii) Air India gives 45% discount in economic class on domestic sectors to senior citizens (women aged 63+ and men aged 65+)

iii) Other Airlines operating in India also offer discount to senior citizen.

b) Tele communications.

i) Department of Telecommunications has made special provisions senior citizens who apply for a new Telephone connection.

ii) In case of any complaint or fault with the telephone a senior citizen's complain is redressed on a priority basis.

c) Ministry of Health & Family Welfare:

The Ministry of Health and Family Welfare provides for separate queues and geriatric clinic for older person in government hospitals.

The Ministry has taken a new initiative called the National programme for the health care for the elderly in the Eleventh Five Year plan. In the period of 2010-11 Ministry of Health. Initiative taken in 30 districts of 21 identified states, 8.59 crore have also been released to 4 Regional Geriatric centers which is included Guwahati Medical College, Assam also.

d) Ministry of Finance & Taxation:

i) Income tax exemption for senior citizens of 60 years and above up to 2.50 lakh per annum.

ii) Income tax exemption for senior citizens of 80 years and above up to 5.0 lakh per annum.

iii) Government also gives a higher rate of interest to senior citizens on certain saving schemes which it runs through its large network of post offices and public sector Bank.

iv) State Bank of India charge only 50% of the applicable prescribed charges in respect of services like.

a) Issue of duplicate passbook / statement of account

b) Issue of cheque books

c) Stop payment instructions

d) Signature verification etc.

5) Life Insurance corporation of India also providing several scheme for the benefit of aged persons, i.e. Medical Insurance Yojana, Senior Citizen Unit Yojana etc.

Department of Pensions:

The Department of pensions as per recommendation of the sixth pay commission, additional pension will be provided as per details given below to older persons.

Age G	% pension to be added
80+	20
85+	30
90+	40
95+	50
100+	100

## RECOMMENDATION

In India as well as Assam various efforts are being made to protect old age person. The institution and functioning of the family as a support structure for older people.

Since the older people are disadvantage by stereotypes which largely discredit the poor older workers in the unorganized sector, necessary measures are required to create opportunities.

□ Lack of food is a major cause of poor health, priority for elderly in these circumstances receiving nutritional supplements is highly desirable.

## CONCLUSION

The ageing process is of course a biological reality which has its own dynamic, largely beyond human control. The concept of ageing is a varied one involving both positive and negative perceptions. In spite of special arrangements for the old age persons the position is not happier social approach toward in the present scenario. It is very known fact that through facilities are provided but there is no mechanism to check whether they have been avail the facilities.

Sociological and psychological factors play a crucial role on how well individuals age. On the other hand, the first speed of industrialization and Urbanization has made the position of the aged people more complex. In the traditions occupied a place of respect in all ways. The aged by virtue of their experience knowledge and social status are to be viewed as an irreplaceable human resource. So at this age of their life, the senior citizens need to be taken care of and made to feel special.

They are treasure to our society. It may be conclude to saying that the elderly play a vital role to promote inter-generation harmony and the youth of today can gain from their experience in taking the nature to greater heights.

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