

HUMAN RIGHTS

OF OLDER PEOPLE IN INDIA

A REALITY CHECK

July 2014



Agewell Foundation

In Special Consultative Status with the ECOSOC at United Nations since 2011
Associated NGO Status with UN-DPI

Agewell

RESEARCH & ADVOCACY CENTRE
(For Needs & Rights of Older people)

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Agewell Study
on
HUMAN RIGHTS
OF OLDER PEOPLE IN INDIA
A REALITY CHECK
- July 2014 -

A National Study

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HUMAN RIGHTS OF OLDER PEOPLE IN INDIA A REALITY CHECK

- A national study

INTRODUCTION

Population aging is a worldwide phenomenon, and India is no exception. Indian population has approximately tripled during the last 50 years, but the number of elderly Indians (60+) has increased more than four folds. The 2011 census has shown that the elderly population (60+) of India accounted for 98.3 million, which was projected to cross the 100 million mark during the same year. It took more than 100 years for the aged population to double in most of the countries in the world, but in India it has doubled in just 20 years. The life expectancy has also gone up to over 70 years today. Better medical facilities, care and liberal family planning policies made the elderly the fastest growing section of the society in India. By 2025, the world will have more elderly than young people and cross two billion mark by 2050. In India also, the population of elder persons' population mark will cross 18% by 2025.

With fast changing socio-economic scenario, industrialization, rapid urbanization, higher aspirations among the youth and the increasing participation of women in the workforce, roots of traditional joint family system has been eroding very fast. In urban areas of the country traditional joint family system has become thing of past. In such changing situations, majority of older people, who have passed most part of their life with their joint/extended families are on the verge of isolation or marginalization in old age. At

this age, when they need family support most, they have to live on their own. Even basic needs & rights of many of them are not addressed. Social marginalization, loneliness, isolation and even negligence in old age lead violation of Human Rights of Older people.

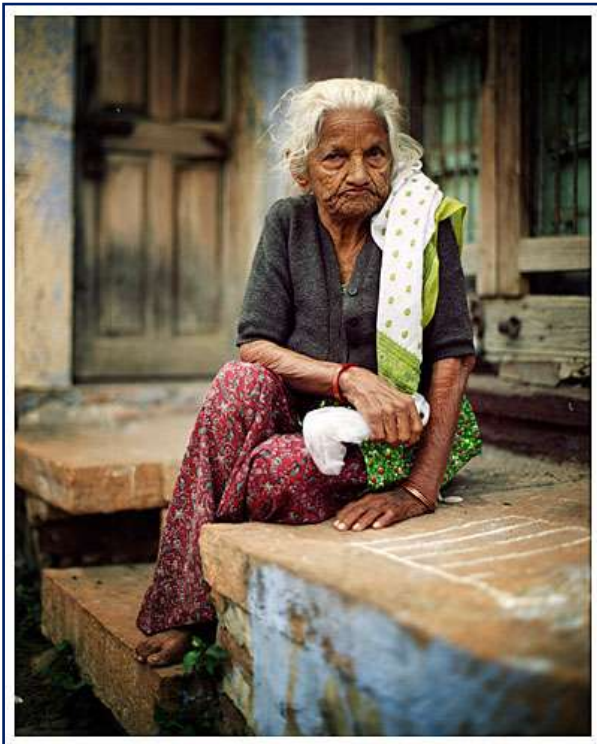


Ironically, in India older generations are not aware of their human rights due to high prevalence of illiteracy and lack of awareness. On the other hand, due to comparatively high physical as well as psychological vulnerability their cries for help remain within four-walls, that's why only a few cases of violation of human rights of elderly come out. Ever-increasing numbers of distress calls from older people clearly indicate disturbing condition of Human Rights of Older people in India.

OVERVIEW

Rights of the Elderly

In general, the rights stipulated for the older persons in international instruments stem from the principles of dignity and non-discrimination. The rights of older persons can be divided into three main categories: protection, participation and image. Protection refers to securing the physical, psychological and emotional safety of older persons with regard to their unique vulnerability to abuse and ill treatment. Participation refers to the need to establish a greater and more active role



for older persons in society. Image refers to the need to define a more positive, less degrading and discriminatory idea of who older persons are and what they are capable of doing.

Definition as per Art. 25 of Universal Declaration of Human Rights

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment,

sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Older people face particular difficulties in the following key areas:

- Physical & Mental Health
- Community Care;
- Social Care
- Housing
- Transport
- Employment
- Income
- Education And Leisure
- Safety & Security
- Utilities & Consumer Protection
- Access to information and
- Decision-Making

Human Rights of Older People

- Right to life shall be protected by law.
- Right not to be subjected to inhuman treatment “No-one shall be subjected to torture or to inhuman or degrading treatment or punishment”.
- Right to liberty “Everyone has the right to liberty and personal security.
- Right to a fair hearing “In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.
- “Civil rights and obligations”.
 - The right to respect at home, within family and in private life
 - The right to freedom of thought and conscience.
 - The right not to be discriminated against age
 - The right to property - everyone is entitled to the peaceful enjoyment of his possessions
 - The right to education

PROBLEMS OF THE AGED

Economic problems

Economic problems include such problems as loss of employment, income deficiency and economic insecurity.

Physical and physiological problems

Physical and physiological problems include health and medical problems,

nutritional deficiency, and the problem of housing etc.

Psycho-social problems

Psycho-social problems include problems related with their psychological and social maladjustment as well as the problem of elder abuse etc.



Mistreatment and Harassment of Older Persons in India

Elder abuse, mistreatment and torture of older people are a manifestation of the timeless phenomenon of interpersonal violence is prevalent in India. Still, there is no systematic collection of statistics or prevalence studies, crime records, journalistic reports, social welfare records and studies to provide evidence on existence of abuse, neglect and financial exploitation of elders.

Being mistreated, verbally abused, and denied proper food, proper medication and

care by younger members of family, most older people are indeed in a very helpless situation. With eroding social values in India, cases of elder abuse and mistreatment in every neighborhood are daily routine.

With nuclear family further getting reduced to single parent family, increasing number of old people have to head towards the Old Age Homes. In a still developing country like India, there is no guarantee that they are not experiencing severe abuse in Old Age homes as well.

Protection of Rights of Elderly - Indian Perspective

Constitution of India

Art. 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 in other cases of undeserved want.

Under Personal Laws:

The moral 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.



Hindu's Law:

Amongst the Hindus, the obligation of sons to maintain their aged parents, who were not able to maintain themselves out of their own earning and property, was recognized even in early texts. And this obligation was not dependent upon, or in any way qualified, by a reference to the possession of family property. It was a personal legal obligation enforceable by the sovereign or the state. The statutory provision for maintenance of parents under Hindu personal law is contained in Sec 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, and 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.

Muslim Law:

Children have a duty to maintain their aged parents even under the Muslim law. According to Mulla :

- (a) Children in easy circumstances are bound to maintain their poor parents, although the latter may be able to earn something for themselves.
- (b) A son though in strained circumstances is bound to maintain his mother, if the mother is poor, though she may not be infirm.
- (c) A son, who though poor, is earning something, is bound to support his father who earns nothing.

According to Tyabji, parents and grandparents in indigent circumstances are entitled, under Hanafi law, to maintenance from their children and grandchildren who have the means, even if they are able to earn their livelihood. Both sons and daughters have a duty to maintain their parents under the Muslim law. The obligation, however, is dependent on their having the means to do so.

Christian & Parsi Law:

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

maintenance have to apply under provisions of the Criminal Procedure Code.

Under the Code of Criminal Procedure:

Prior to 1973, there was no provision for maintenance of parents under the code. The Law Commission, however, was not in favor of making such provision. According to its report:

The Cr. P. C is not the proper place for such a provision. There will be considerably difficulty in the amount of maintenance awarded to parents apportioning amongst the children in a summary proceeding of this type. It is desirable to leave this matter for adjudication by civil courts. The provision, however, was introduced for the first time in Sec. 125 of the Code of Criminal Procedure in 1973. It is also essential that the parent establishes that the other party has sufficient means and has neglected or refused to maintain his, i.e., the parent, who is unable to maintain himself. It is important to note that Cr. P. C 1973, is a secular law and governs persons belonging to all religions and communities. Daughters, including married daughters, also have a duty to maintain their parents.

Governmental Protections:

- i. The Government of India approved the National Policy for Older Persons on January 13, 1999 in order to accelerate welfare measures and empowering the elderly in ways beneficial for them. This policy included the following major steps :
 - a. Setting up of a pension fund for ensuring security for those persons who have been serving in the unorganized sector,
 - b. Construction of old age homes and day care centers for every 3-4 districts,
 - c. Establishment of resource centers and re-employment bureaus for people above 60 years,
- ii. The Ministry of Social Justice and Empowerment has set up of a National Council for Older Persons in the process to make life easier for older persons.
- iii. Attempts to sensitize school children to live and work with the elderly. Setting up of a round the clock help line and discouraging social ostracism of the older persons are being taken up.
- iv. The government policy encourages a prompt settlement of pension, provident fund (PF), gratuity, etc. in order to save the superannuated persons from any hardships. It also encourages to make the taxation policies elder sensitive.
- v. The policy also accords high priority to their health care needs.
- vi. According to Sec.88-B, 88-D and 88-DDB of Income Tax Act there are discount in tax for the elderly persons.
- vii. Life Insurance Corporation of India (LIC) has also been providing several scheme for the benefit of aged persons, i.e., Jeevan Dhara Yojana, Jeevan Akshay Yojana, Senior Citizen Unit Yojana, Medical Insurance Yojana.
- viii. 'Annapurana Yojana' for the benefit of aged persons was launched. Under this yojana unattended aged persons are being given 10 kg foods for every month.
- ix. It is proposed to allot 10 percent of the houses constructed under government



schemes for the urban and rural lower income segments to the older persons on easy loan. The policy mentions.

- x. The layout of the housing colonies will respond to the needs and life styles of the elderly so that there is no physical barriers to their mobility; they are allotted ground floor; and their social interaction with older society members exists

Despite all these attempts, there is need to impress upon the elderly about the need to adjust to the changing circumstances in life and try to live harmoniously with the younger generation as far as possible.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a legislation enacted in 2007, initiated by Ministry of Social Justice and Empowerment, Government of India, 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, by monthly allowance. This Act also provides simple, speedy and inexpensive mechanism for the protection of life and property of the older persons. After being passed by the parliament of India received the assent of President of India on December 29, 2007 and was published in the Gazette of India on December 31, 2007. Some states have



already implemented the act and other states are taking steps for implementing this Act.

Objects of the Act

This Act provides in-expensive and speedy procedure to claim monthly maintenance for parents and senior citizens. This Act casts obligations on children to maintain their parents/grandparents and also the relative of the senior citizen to maintain such senior citizens. The main attraction of this Act is there are provisions to protect the life and property of such persons. This Act also provides setting up of old age homes for providing maintenance to the indigent senior citizens and parents. This Act extends to the whole of India except Jammu & Kashmir state.

Definitions

- Children- Include son, daughter, grandson, granddaughter but does not include a minor
- Maintenance includes provision for food, clothing, residence, medical attendance and treatment
- Parent- means father or mother whether biological, adoptive or step father or step mother, whether or not father or mother is a senior citizen
- Senior citizen- means an Indian who attained the age of 60 years or above
- Relative- means any legal heir of childless senior citizen who is not a minor and is in possession of or would inherit his property after his death
- Welfare- means provision for food, healthcare, recreation centers and other amenities necessary for senior citizens

Maintenance of Parents and senior citizens

A senior citizen including parent who is unable able to maintain himself from his own earning or out of the property owned by him, is entitled to get relief under this Act.

Children/grand children are under obligation to maintain his or her parent, father, mother or both. Likewise, relative of a senior citizen is also bound to look after the senior citizen. If such children or relative is not maintaining his parents or senior citizen respectively, then the parents/senior citizen can seek the assistance of Tribunal constituted under this Act, to enforce the remedy of maintenance. Such parents/ senior citizen can file an application before the Tribunal, claiming maintenance and other reliefs from their children/relatives as the case may be.

Such application for maintenance can be filed by the senior citizen or a parent himself, or if such person is incapable, then by any other person or any registered organization authorized by him. The Tribunal can also *suo motu* take cognizance of the case. After receiving the application the Tribunal may issue notice to the respondent-children/relative and provide them time to furnish their reply. Such application for maintenance should be disposed of within 90 days from the date of service of notice of application to the respondent. However, the Tribunal can extend time for a maximum period of 30 days in exceptional circumstances after recording reason. The Tribunal is having power to allow interim maintenance pending disposal of the case. Even though the application can be filed against any of children/relative as the case may be, such respondent-children/relative can imp lead other persons who are liable to pay maintenance.

If such children/relative who is directed to pay maintenance fail to comply with the order of tribunal without sufficient cause, the Tribunal may issue warrant for levying the due amount from them in the manner levying fines and can also sentence the erring respondent to imprisonment that may extend to one month or until payment made whichever is earlier. The Tribunal will not issue Warrant to execute the order of maintenance, if such petition for execution is filed after a period of

3 months from the date on which the maintenance is due. The application under this Act can be filed before the Tribunal in any district, where the applicant resides or last resided or where children or relative resides. The evidence of proceedings shall be taken in the presence of children/relative against whom relief is sought and if such respondent is willfully avoiding service of summons or neglecting to attend the Tribunal, the Tribunal may proceed and determine the case *ex parte*. If the Tribunal is satisfied that such children/relative against whom such application for maintenance is pending, neglect or refuses to maintain the



parents/senior citizens as the case may be, may order such children/relative to pay monthly allowance to such applicant. The maximum amount of maintenance that can be allowed by the Tribunal is Rs.10,000 per month. The tribunal has power to alter, modify or cancel the order in appropriate circumstances. The Tribunal has also power to levy interest on the maintenance amount, which shall be not less than 5% and greater than 18%. Aggrieved by the order of Tribunal, senior citizen/parent can file appeal before Appellate tribunal within a period of 60 days and if the Appellate tribunal is satisfied that

there occurred some delay in filing appeal due to sufficient cause, the appeal can be entertained.

Protection of life and property of Senior citizen

If a senior citizen after the commencement of this Act, has transferred his property either moveable 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 reuses 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. Before the enactment of this law, a senior citizen's only remedy in such a case was to approach the court for maintenance from the children to whom he had given the property by way of gift or otherwise and such property would be

the exclusive property of the transferee and the senior citizen had no right in such property. But after the enactment of this Act, a senior citizen can reclaim his property from the transferee the concerned police personnel will also ensure priority in dealing with these types of cases.

Abandoning a senior citizen in any place by a person who is having the care or protection of such senior citizen is a criminal offence and such person shall be punishable with imprisonment for a term which may extend to three months or fine which may extend to five thousand rupees or both.

This Act also provides that state governments may establish old age homes at least one in one district to accommodate indigent senior citizens. State governments may also ensure proper medical care for senior citizens.

The United Nations Principles on Rights of Elderly

Demographic trends worldwide create unique challenges for all people, particularly for the governments of nation-states around the globe. Elderly individuals are often subjected to discrimination and abuse because they are perceived as easily taken advantage of. There is also a prevalent belief among many that elderly persons are worthless in today's fast-paced, globalize and increasingly industrialized world. Obviously, with the number of elderly people on earth at any one time rising rapidly, there is an increased urgency to address the rights and roles of elderly persons in our world.

The United Nations principles provide a broad framework for action on ageing. Some of the Principles are as follows :

- i. Older Persons should have the opportunity to work and determine when to leave the work force.
- ii. Older Persons should remain integrated in society and participate actively in the formulation of policies which effect their well-being.
- iii. Older Persons should have access to health care to help them maintain the optimum level of physical, mental and emotional well-being.
- iv. Older Persons should be able to pursue opportunities for the full development of their potential and have access to educational, cultural, spiritual and recreational resources of society.
- v. Older Persons should be able to live in dignity and security and should be free from exploitation and mental and physical abuse

Elder Abuse in India

Progress of human civilization, advancement in medical science and healthier lifestyle of people has obviously increased life of Old Age. Ironically, changed socio-economic conditions have completely changed living conditions of older persons in the country. In changed set up, old people face increased incidences of age discrimination, ageism, elder abuse and mistreatment of older community, which are strictly against any civilized society.

Indian society is the only society, where people bless their dear ones with blessings like “live for 100 years”, “May god add my years to your life”, “May god bless you with 100 years of health and happiness”, etc. In India Old Age is a great Celebration in itself. Even today the

concept of Elder Abuse is difficult to comprehend in Indian circumstances. But unfortunately it has become an ugly fact of life even in Indian society.

Older persons are emotionally abused by Intimidation through yelling or threats, humiliation and ridicule, habitual blaming or scapegoat, ignoring the elderly person, isolating an elder from friends or activities, terrorizing or menacing the elderly person, etc. Ignoring health conditions of elderly, financial exploitation of elderly, sexual abuse are found as other major forms of elderly abuse. Major Consequences

of elder abuse are as frequent arguments or tension between the caregiver (mostly relatives) and the elderly person & also changes in personality or behavior of the elderly person.

Older persons are respected in society in general but within their individual families, majority of older persons feel isolated on many occasions. Property related issues, interference in family

matters, interpersonal relations, unemployment in old age, excessive medical expenses, dispute among siblings, greediness of younger generation, fall of morals, etc. are major reasons of disrespect or mistreatment of older persons.

Surprisingly, older men are more prone to mistreatment in their respective families and societies.



“Old Age has become hell for us due to mistreatment by our daughter-in-law with us. For sake of happiness of our son and grandchildren, we prefer to keep quiet and ignore her (daughter-in-law’s) misbehavior.”

-Pankaj Luthra (75), New Delhi

OBJECTIVE OF THE STUDY

- To study the status of human rights of Older people in India.
- To assess the perceptions about human rights of older people in India
- To identify responsible factors for dismal status of elderly human rights protection
- To suggest or recommend some specific points to policy makers, planners and decision makers so that human rights of older people could be strengthened in future.

METHODOLOGY AND SAMPLE DESIGN

Socially inclined, experienced and qualified volunteers were selected as interviewers and they were provided with proper guidelines, directions, training, etc. Under the survey campaign, comprehensive interviews were undertaken by managing time-bound schedules to collect information /impression/views from selected older people from across the country

For the survey a **representative sample of 50000 older people** (27000 from rural areas and 23000 from urban areas) were interviewed spread across **300 districts of 25 states &**

Union Territories of India. Agewell volunteers' network spread across the country worked as interviewers for the survey. The interviews were conducted during the month of **June 2014**.

Sample Units

The sample units were selected based on random sampling but taken care to incorporate the representative views of the country from six divisions as per following;

<i>S. No</i>	<i>States/UTs</i>	<i>No of sample districts</i>	<i>No of respondents</i>
1.	Region 1 – Delhi & NCR Delhi & NCR (Parts of Haryana & UP)	15	8000
2.	Region 2 – North India Rest Uttar Pradesh, Rest Haryana, Punjab, Himachal Pradesh, Chandigarh & Uttarakhand	70	8700
3.	Region 3 – South India Seemandhra, Telangana, Tamil Nadu, Kerala & Karnataka	60	8700
4.	Region 4 – East India West Bengal, Orissa, Assam, Mizoram, Tripura & Nagaland	55	6700
5.	Region 5 – West India Rajasthan, Maharashtra, Gujarat & Goa	50	8700
6.	Region 6 – Central India Madhya Pradesh, Bihar, Jharkhand & Chhattisgarh	50	9200
	All India Total	300	50000

Age-group & gender wise classification of respondents

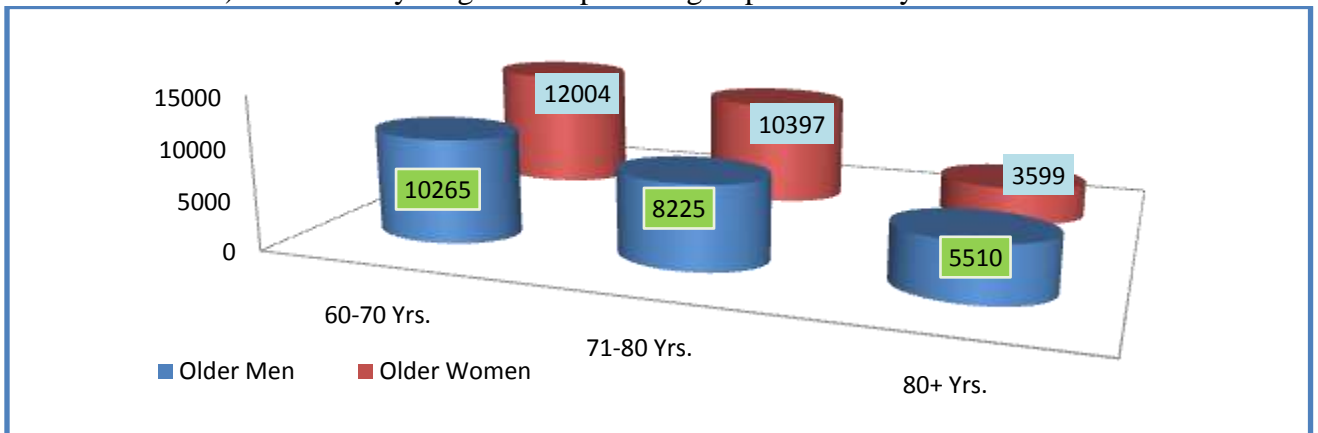
Under the survey older people were divided in three simple age-groups so that more realistic findings could be achieved out of the responses. Respondents were further

categorized in age groups & gender wise to understand the changing trends of old age better.

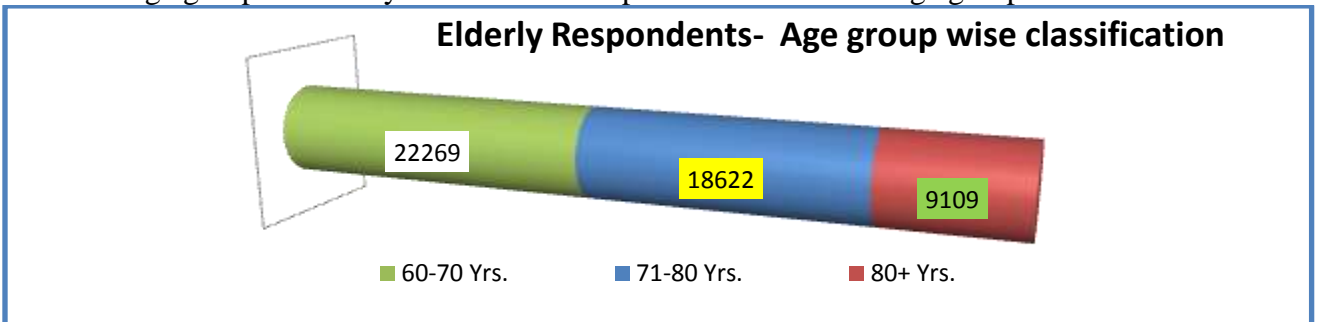
- During the survey 24000 older men and 26000 older women were interviewed by the volunteers.

Categories	60-70 Years	71-80 Years	81+ Years	Total
Older Men	10265	8225	5510	24000
Older Women	12004	10397	3599	26000
Total	22269	18622	9109	50000

- Out of total 50000 elderly respondents, 22269 (10265 older men and 12004 older women) were in the younger older persons group i.e. 60-70 years.



- Another 18622 elderly respondents (8225 older men & 10397 older women) were in the age group of 71-80 years and 9109 respondents were in the age group of 81+.



- Majority of the respondents i.e. 44.5% elderly respondents were in the age group of 61-70 years while 37.2% & 18.2% were in the age groups of 71-80 years and 80+ years respectively.

SAMPLE RESPONDENTS

Since India is a vast and geographically diverse country where majority of Indian population still lives in villages, older people have different lifestyle in different parts of the country.

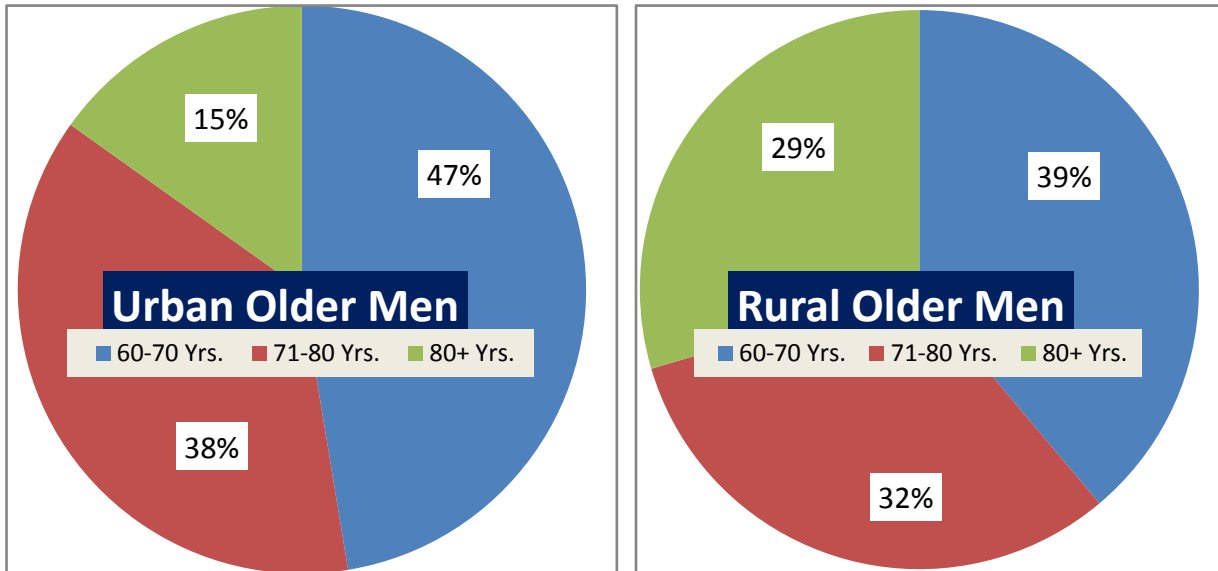
With objective to assess the status of older people living in various situations and geographical conditions, the populace of 60+

years was randomly selected as per the 4 groups as under;

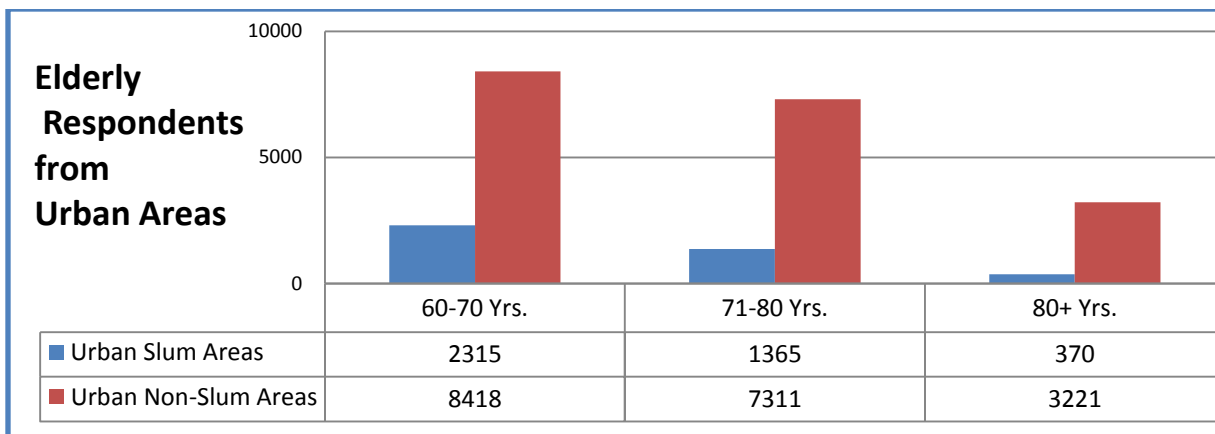
- I. Rural elderly men
- II. Rural elderly women
- III. Urban elderly men
 - a. Living in slum areas
 - b. Living in non-slum areas
- IV. Urban Elderly women
 - a. Living in slum areas
 - b. Living in non-slum areas

Categories	Old Men	Old women	Total
Rural	13000	14000	27000
Urban	11000	12000	23000
Total	24000	26000	50000

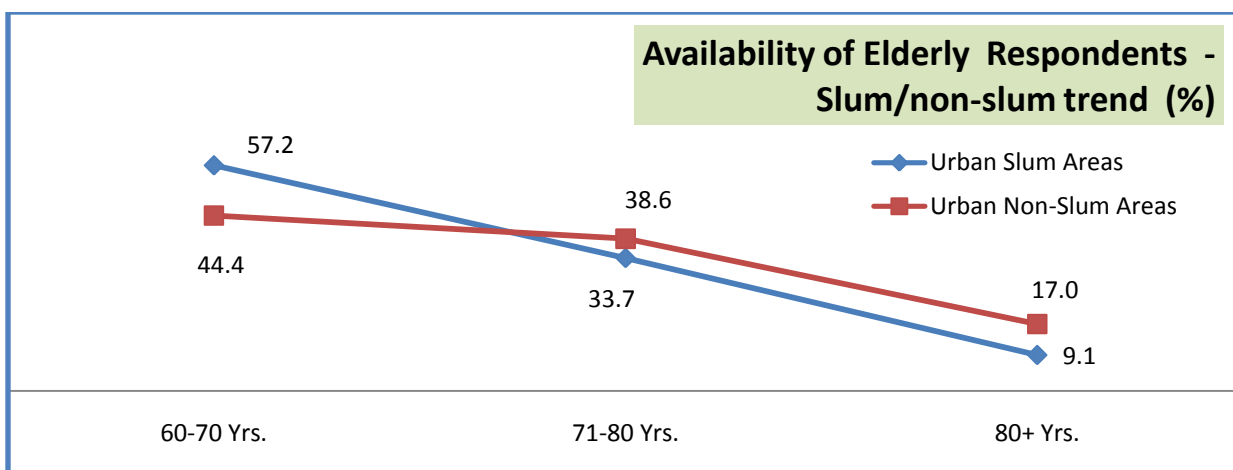
- In urban areas 46.7% respondents were in the age group of 60-70 years, 37.7% were in age group of 71-80 years and 15.6% respondents were in the age group of 81+.



- In rural areas 42.7% respondents were in the age group of 60-70 years, 36.8% were in age group of 71-80 years and 20.4% respondents were in the age group of 81+.
- Number of rural elderly respondents in prime age group i.e. 81+ years was quite higher in comparison to urban elderly respondents (81+).



- Out of total 23000 respondents, 4050 elderly respondents i.e. 17.6% were from slum areas.
- Percentage of younger elderly respondents (60-70 years) living in slum areas were higher (57.2%) in comparison to elderly respondents in the same age group living in non-slum areas (44.4%).



- Participation of slum elderly people (81+) was lower (9.1) in comparison to non-slum elderly respondents in the age group of 81+ years (17%).

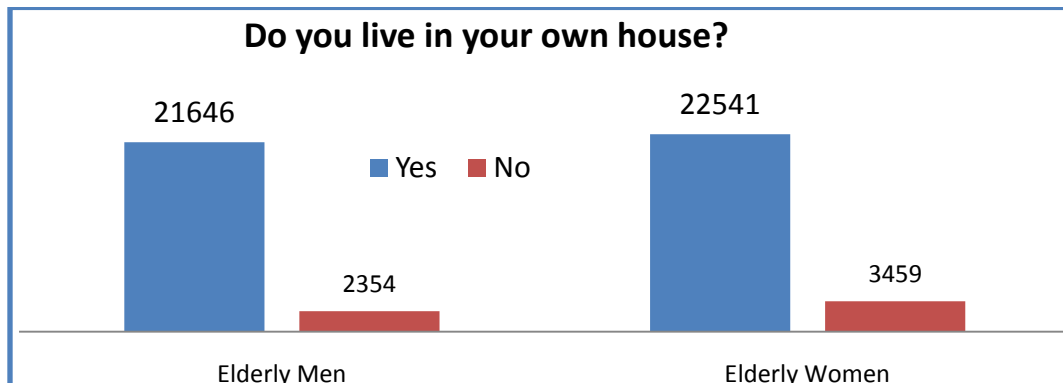
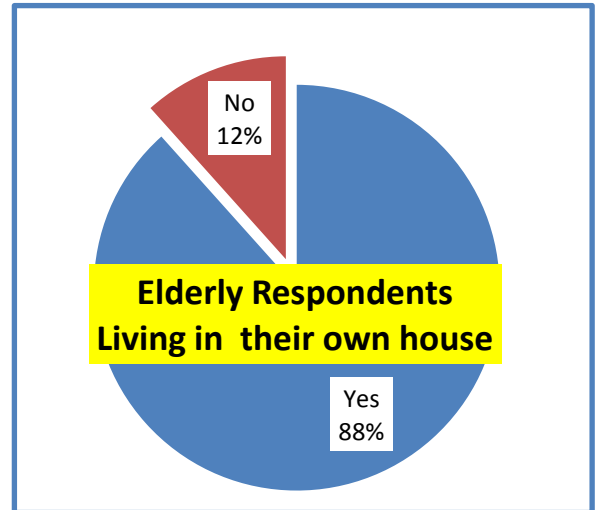
In each group the target was to include every section of the society, specifically

- Retired older people
- Non-pensioners/self-employed
- Laborers/farmers
- Housewives
- Professionals/ businessmen
- Literate
- Illiterate
- Financially secure
- Disabled
- BPL (below poverty line) Family

SURVEY FINDINGS

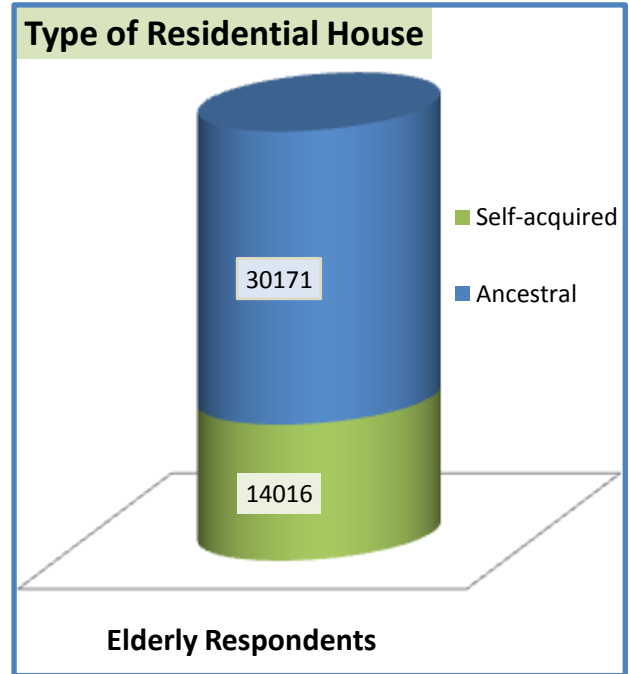
Housing in old Age

- 88.4% elderly respondents i.e. 44187 older persons out of 50000 older persons were found living in their own houses, while 11.6% i.e. 5813 older persons were found not living in their own houses.
- When data analyzed gender wise it was found that 90.2% elderly men in comparison to 87.7% elderly women were living in their own houses. Out of 24000 elderly men interacted during the survey 21646 elderly men were living in their own houses, while 22541 out of 26000 elderly women accepted that they are living in their own houses.
- In rural areas more elderly people were living in their own houses in comparison to urban areas.

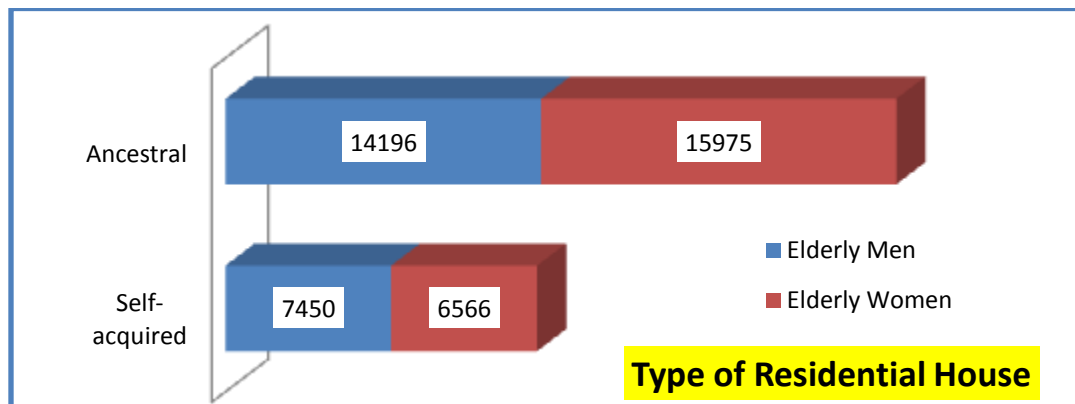


- When the elderly respondents were asked about the type of their current residence, it was found that more than 2/3rd elderly people (68.3%) have ancestral house, where they live. Out of 44187 elderly people living in their own houses, 30171 elderly respondents were residing in their ancestral houses.
- Only 31.7% elderly respondents (14016 out of 44187 living in their own houses) were living in self-acquired houses.

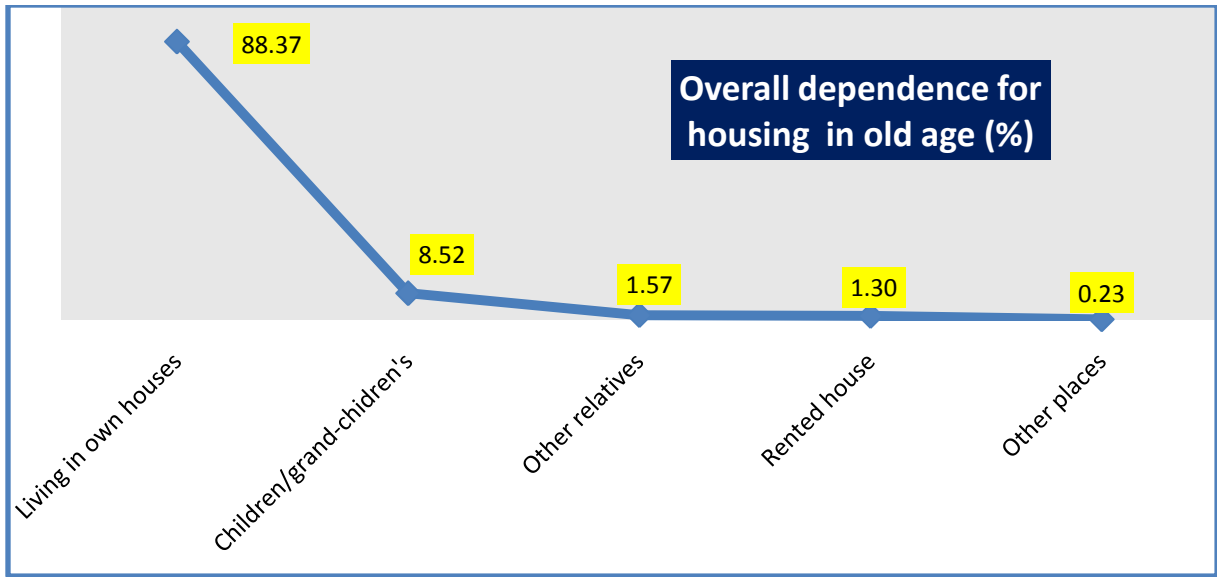
- More elderly women (70.9%) in comparison to elderly men (65.6%) were found living in their ancestral houses, while more elderly men (34.4%) in comparison to elderly women (29.1%) were living in their self-acquired houses.
- Out of 21646 elderly men living in their own houses, 7450 elderly men have their own self-acquired house, while 14196 elderly men were staying in their ancestral house.



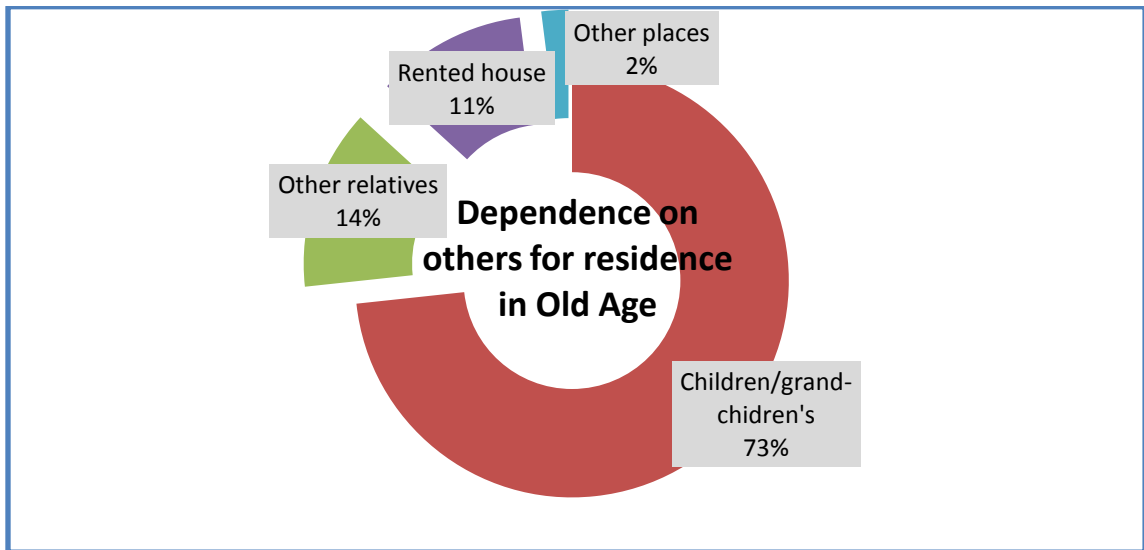
- Out of 22541 elderly women living in their own houses, 6566 and 15975 elderly women were living in their self-acquired and ancestral houses respectively.



- Out of total 50000 elderly respondents, 5813 elderly people (11.6%) do not have their own house to live in and they were forced to depend on other sources.
- Out of 50000 elderly respondents, 8.52% elderly respondents, i.e. 4261 older persons were depended on their children/grand-children for housing needs.

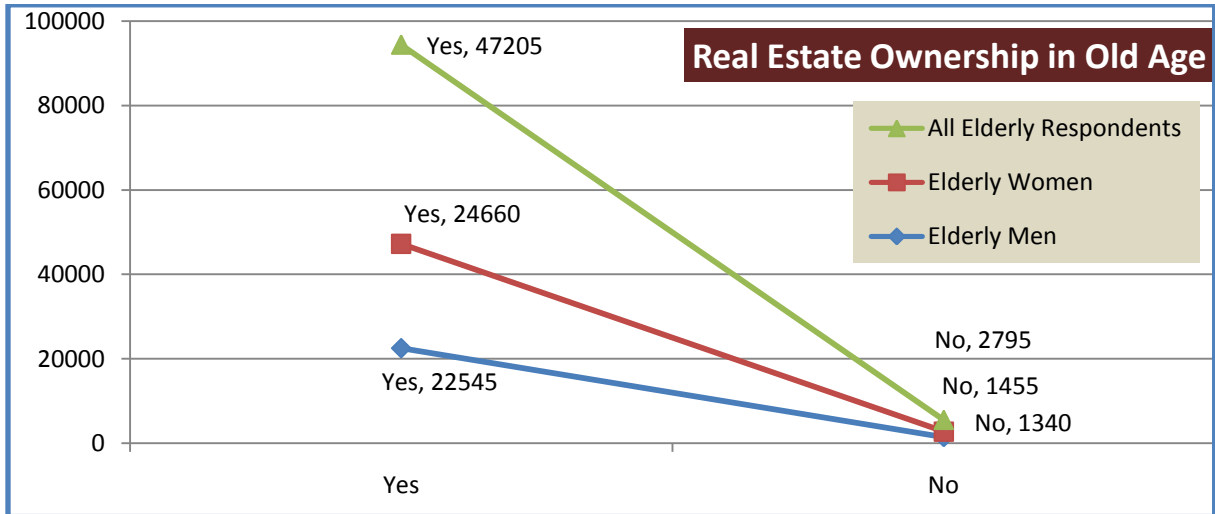


- 73.3% of total dependent elderly respondents were living in houses of their children/grand-children. Out of 5813 elderly 4261 elderly said that they are dependent on their children/grand-children for residential need.
- 13.49% dependent elderly were staying with their other relatives while 11.2% i.e. 651 elderly respondents contacted during the survey were found living in rented houses.

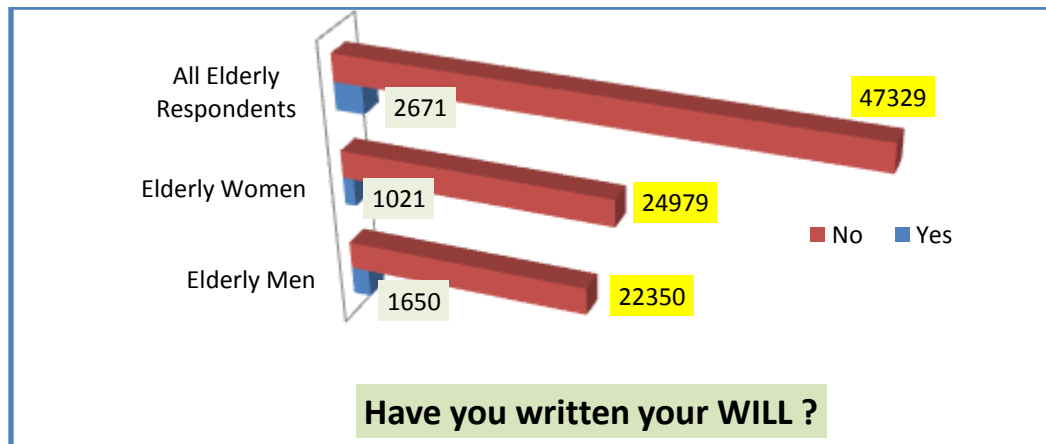


- When volunteers asked older persons about their net-worth value, it was found that 94.41% elderly respondents have their own house/land property somewhere in their name, while only 5.59% elderly said that they have no house or land property in their name anywhere.

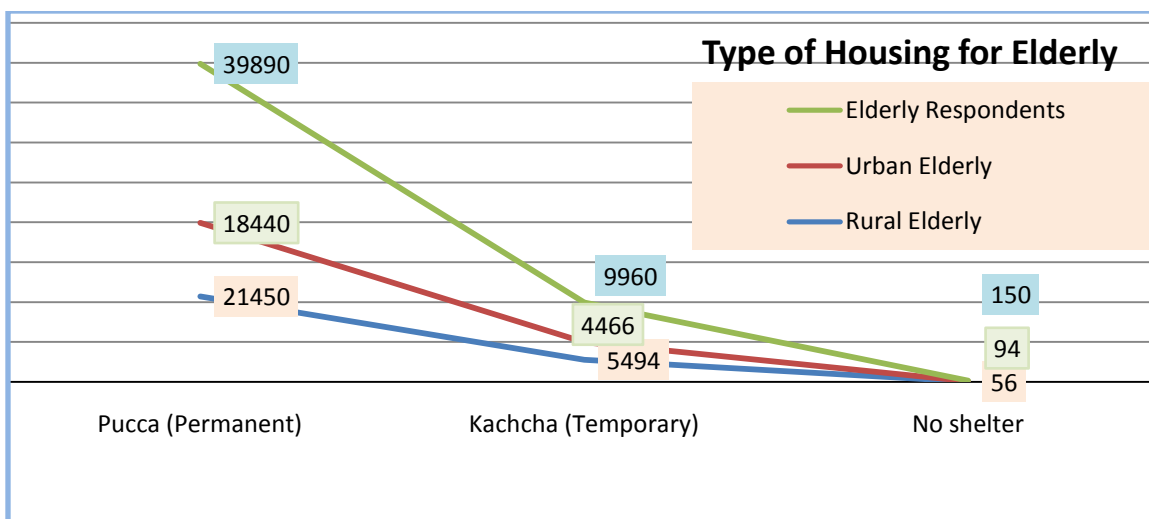
- Out of 50000 respondents, 47205 elderly respondents accepted that they own house or land property.
- Percentage of possession of house/land properties is slightly higher (22545 out of 24000 i.e. 94.8%) in elderly women in comparison to elderly men (24660 out of 26000 i.e. 93.9%).



- Only 5.3% elderly (2671 out of 50000 elderly respondents) said that they written their Will, while 47329 elderly respondents have not written a Will so far. 6.9% elderly men and 3.9% elderly women have written Will.

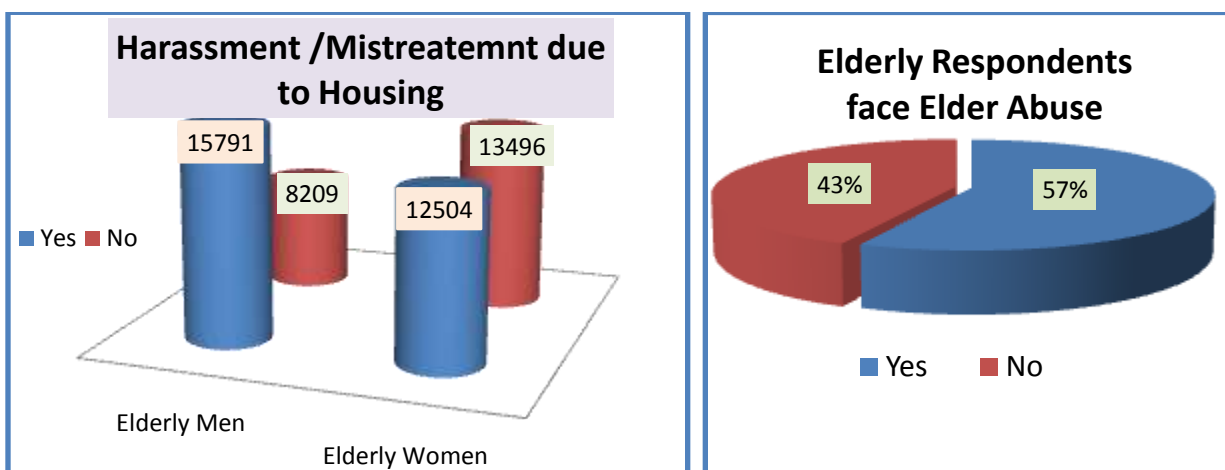


- When type of housing of elderly respondents were assessed, it was found that approximately four out of five elderly people i.e. 84.78% elderly were living in permanent houses, while 14.92% respondents were found living in temporary houses or shelters.



Harassment / mistreatment due to residence

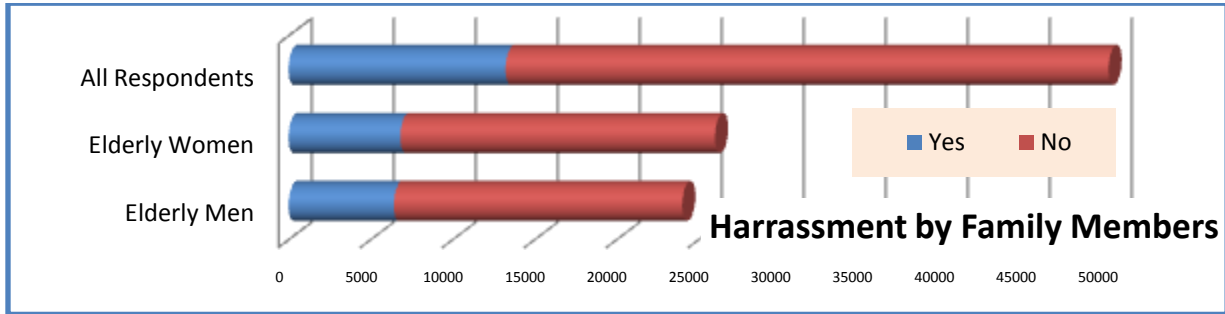
- 56.6% elderly respondents (65.8% elderly men and 48.1% elderly women) claimed that they have to face harassment / mistreatment due to housing in old age. Out of 50000 elderly respondents interviewed during the survey, 28295 older persons said that they face harassment / mistreatment due to housing. Even though many of them are the owners of their property.
- 43.4% older persons (234.2% elderly men and 51.9% elderly women) reportedly denied any harassment / mistreatment in their life so far due to their residence. 21705 elderly respondents out of 50000 said that they did not face harassment / mistreatment in their life ever due to shelter.



- 26.5% elderly respondents (26.7% elderly men and 26.2% elderly women) accepted that they are being harassed by their family members due to housing/shelter. Out of 50000 13231 elderly respondents said that their

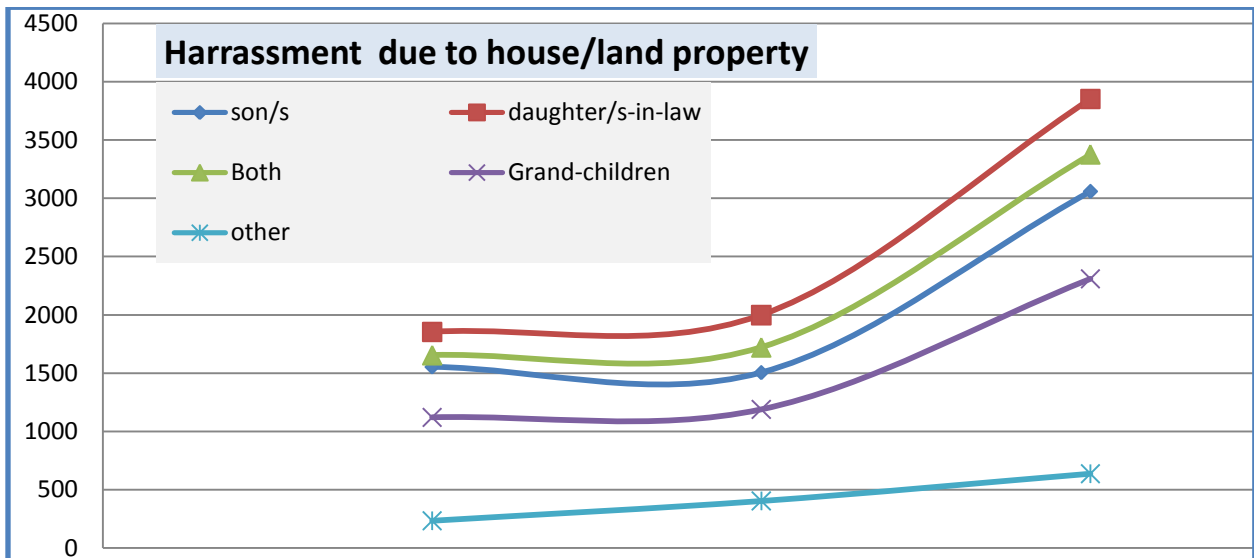
family members are somehow causing trouble in their life due to their houses.

- Harassment due to housing/shelter is more prevalent in urban areas in comparison to rural areas.



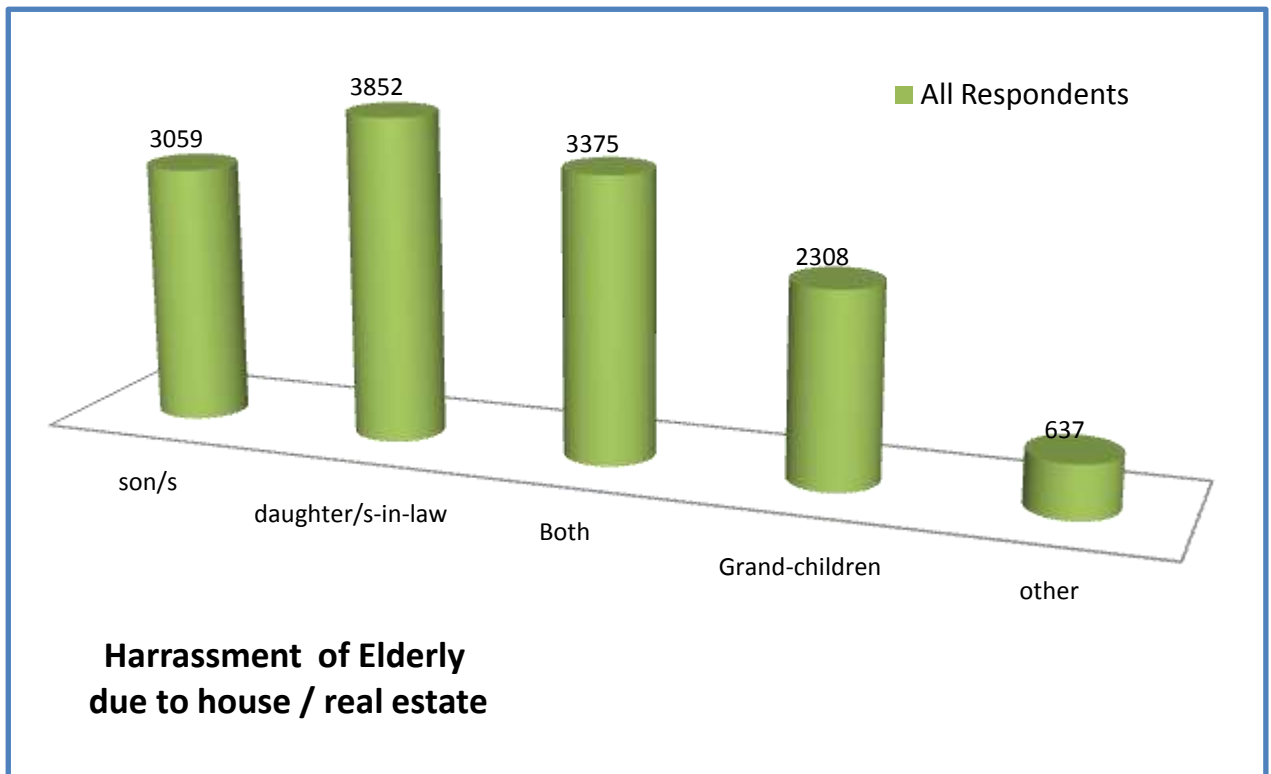
Harassment by family members due to house/real estate

- Most of the elderly respondents were suffering from harassment in old age due to their daughter/s-in law and their son/s. 54.62% elderly respondents were being harassed/mistreated by their daughter/s-in-law and daughter/s in law & son/s both due to house/land properties.



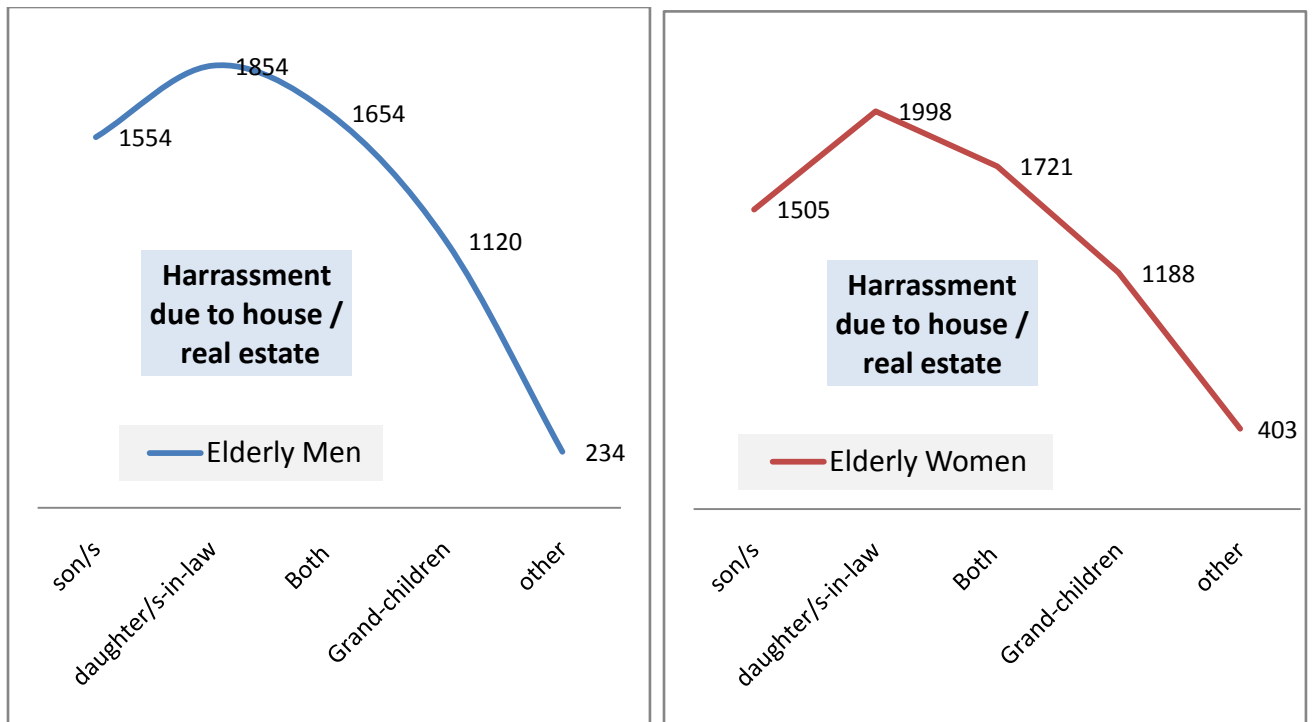
- 29.11% elderly respondents were found harassed/mistreated by their daughter/s-in-law while 25.51% elderly respondents were being harassed/mistreated by their daughter/s-in-law and son/s both.

- 23.12% elderly respondents reportedly acknowledged that they are being



harassed by their son/s only, while for 17.44% elderly respondents their grand-children were main cause of house/real estate related harassment / mistreatment.

- Only 4.81% elderly respondents claimed that they had to face harassment and mistreatment in old age due to others including their neighbours who were doing this due to elderly respondents' real estate/house property.
- Out of 13231 elderly respondents suffering from elder abuse due to their house/land properties 3029 older persons reportedly said that their son/s harass them. 3852 older persons said that their daughter/s-in-law and 3375 older persons said that their son/s and daughter/s-in-law both harass them.
- Elderly men were found facing harassment and mistreatment because of their house/land properties by their son/s in more cases in comparison to elderly women. 24.22% elderly men hold their son/s responsible for harassment/mistreatment while 22.08% elderly women were of the view that their son/s is/are harassing them.



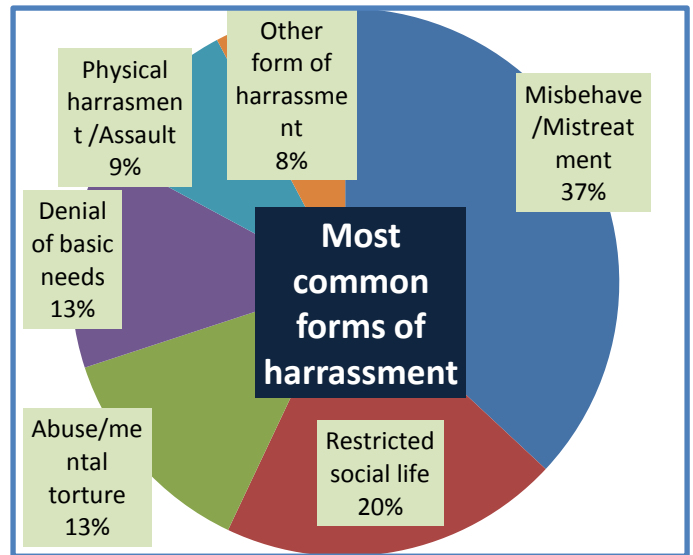
- Elderly women were found facing comparatively higher cases of harassment and mistreatment due to their house/land property with the hands of their daughter/s-in-law. 29.32% elderly women blame their daughter/s-in-law for harassment/mistreatment in old age while 28.9% elderly women were of the view that their daughter/s-in-law are harassing / mistreating them.

Common forms of Elder Abuse in old age

- When Agewell volunteers, deputised as interviewers asked elderly respondents, who were suffering elder abuse or had ever faced elder abuse in their life, about most common form of elder abuse, it was found that every third elderly person (36.94% of overall affected elderly) stated misbehave/mistreatment as most common form of elder abuse. Out of 28295 affected elderly respondents, 10452 older persons ranked this as most common form of elder abuse.
- Survey suggests that every fifth elderly (20.09% i.e. 5684 out of 28295 elderly respondents) were affected due to restrictions in their social life by their family members or others. According to them restricted social life is ranked most common form of elder abuse by 5684 elderly respondents.

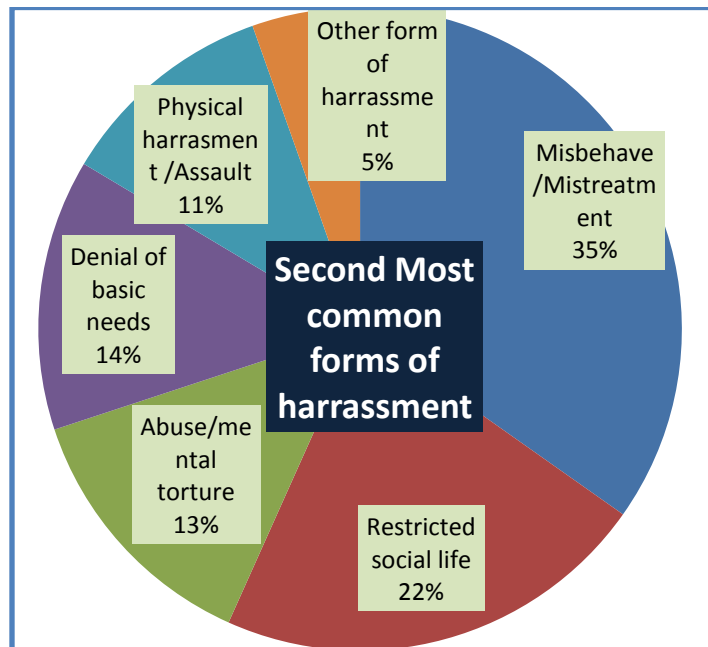
Kind of elder abuse suffered by elderly respondents

- Misbehave /Mistreatment
- Restricted social life
- Abuse/mental torture
- Denial of basic needs
- Physical harassment /Assault
- Other form of harassment



- 21.78% elderly respondents said that in their opinion restricted social life is second most common kind of

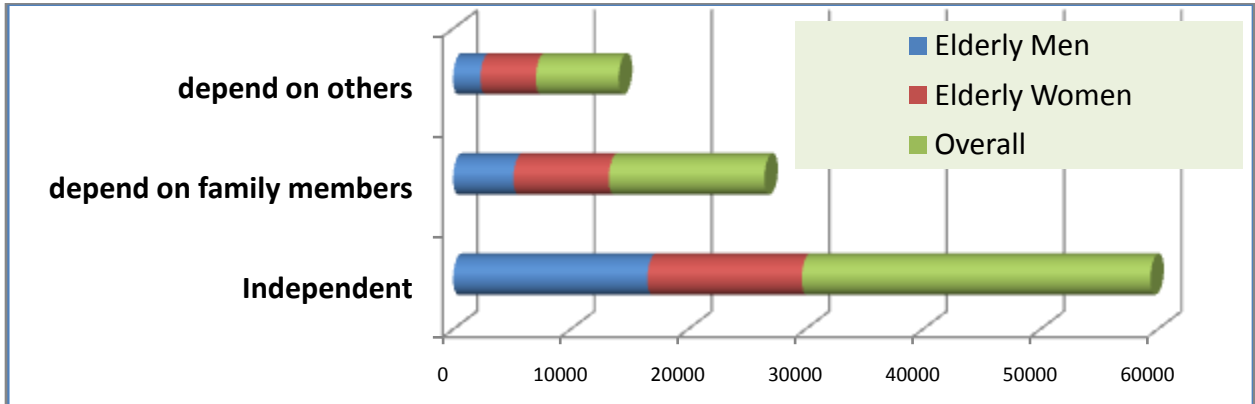
harassment/mistreatment in old age. 6204 out of 28295 elderly respondents, suffering elder abuse termed restricted social life as second most common form of elder abuse.



Financial Dependence in old age

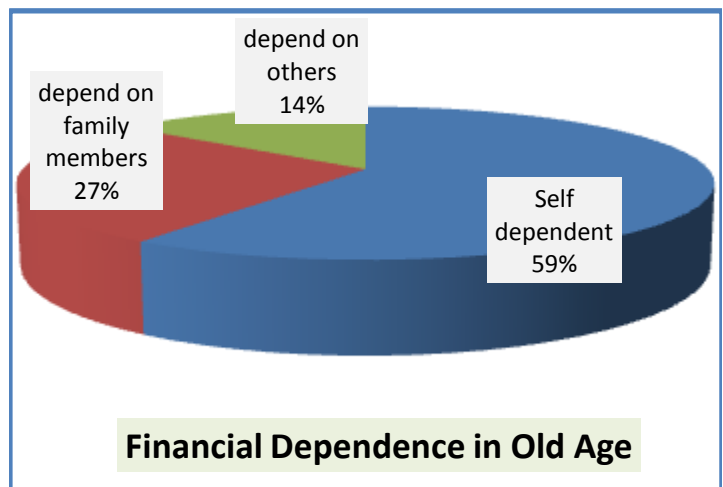
- 59.39% older persons were found financially independent while 40.61% elderly respondents were dependent on others for their financial needs in old age. Out of 50000 elderly respondents, 29693 elderly reportedly claimed that they are self-dependent so far as financial independence is concerned.

- 26.51% elderly respondents (13256 elderly respondents) said that they are dependent on their family members for finances while another 14.1% (7051) elderly respondents were depending on others (other than their own family members).



- Elderly men were found in good financial command in comparison to elderly women, where 68.93% elderly men claimed that they are financially independent and only half of the elderly women respondents (50.58%) were found financially self-dependent.
- 21.39% elderly men and 31.24% elderly women were depending on their family members while 9.68% elderly men and 18.18% elderly women were reportedly dependent on others.

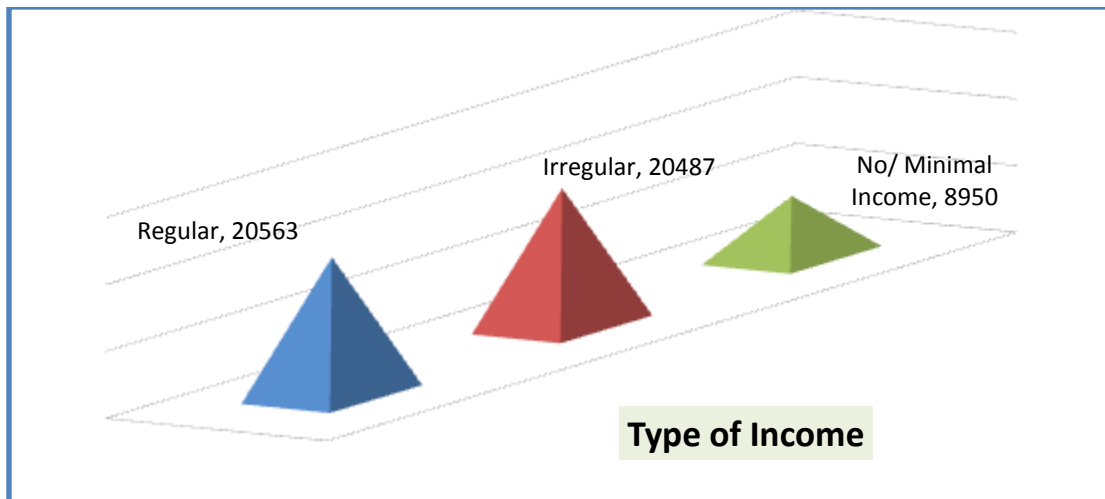
- When data obtained during the survey further tried to look into the financial status of financial self-dependent elderly respondents, it was found that only 29.26% elderly respondents (45.85% elderly men & 8.39% elderly women) had actual control over their finances. Only 8688 elderly respondents out of 29693 elderly respondents accepted that they manage their finances as per their choice.



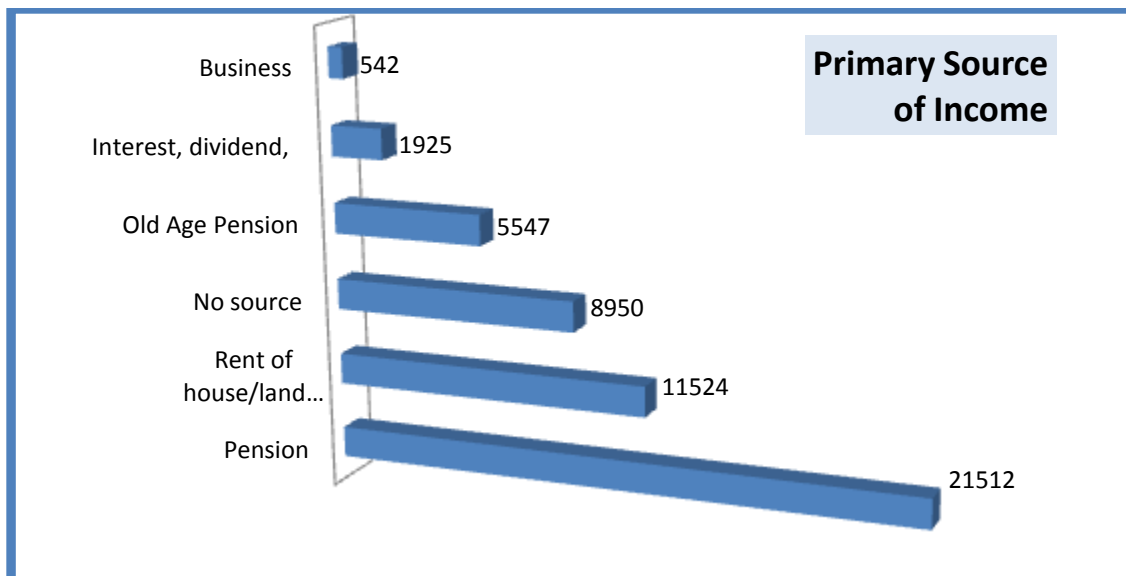
- Remaining 70.74% elderly respondents have only partial or no control over their finances. Almost half of the financial self-dependent elderly (48.38%)

have no control over their money and their family members have actual control on their financial income. Out of 29693, 14364 respondents claimed that they could not manage their money matters or mostly because their family members/relatives don't let them control their money.

- 41.13% elderly respondents have regular source of income, while 40.97% elderly respondents have irregular income and 17.9% elderly respondents have no/minimal income.



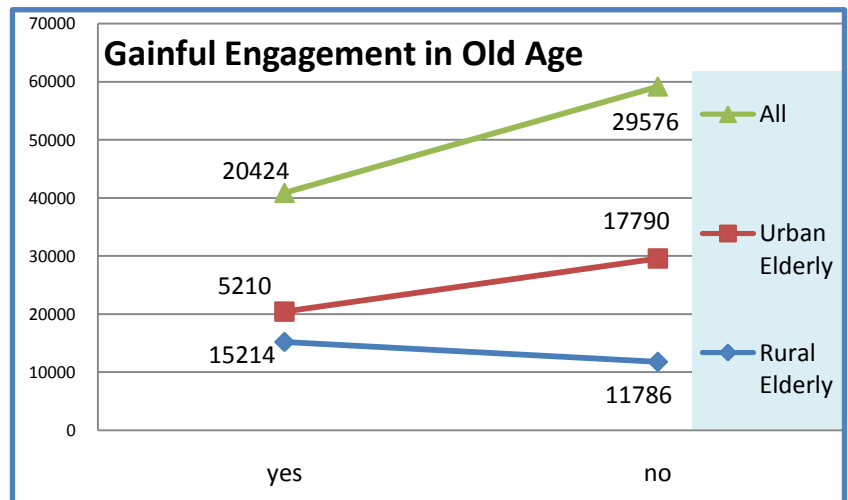
- 43.02% elderly respondents reportedly said that pension is primary source of their income, 23.05% elderly said that they earn from their household /land property. For 11.09% elderly respondents old age pension is primary source of their income.



Gainful Engagement opportunities in old age

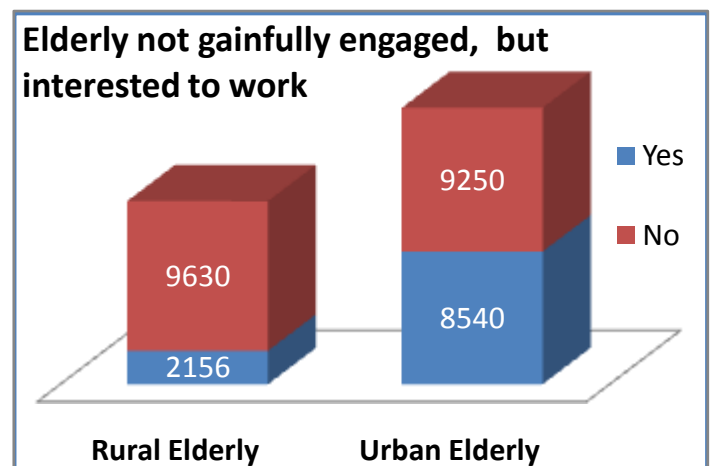
- 40.85% elderly respondents said that they were involved in gainful engagement in old age, while majority of older persons (59.15%) said that they were not involved in any gainful engagement in old age.
- Out of 50000 older persons, contacted during the survey, 29576 denied involvement in any kind of gainful activities while 20424 elderly respondents said that they are gainfully engaged or were gainfully engaged in their old age earlier.

- In rural areas percentage of gainful engagement is quite higher and majority of older persons were found engaged in traditional or agricultural activities.



- 36.16% elderly respondents (10696 elderly out of 29576 elderly not gainfully engaged) expressed their interest to do work in old age, if opportunity be given to them. Percentage of such elderly was quite higher in urban areas in comparison to rural areas.

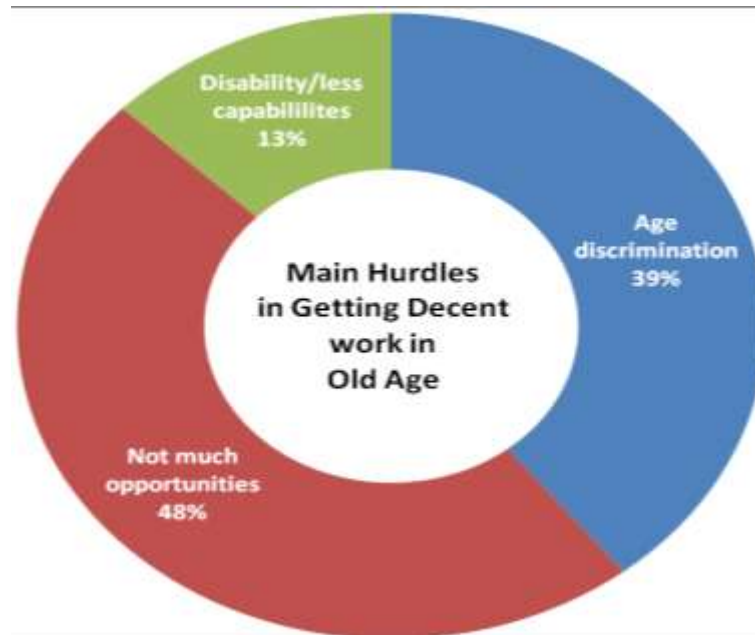
- 63.84% elderly respondents (18880 elderly out of 29576 elderly) expressed their reluctance to work in old age.



- When asked about the major hurdles on the way to gainful engagement opportunities to older people, it was analyzed that 47.9% elderly respondents found non-availability of suitable job opportunities for older persons as

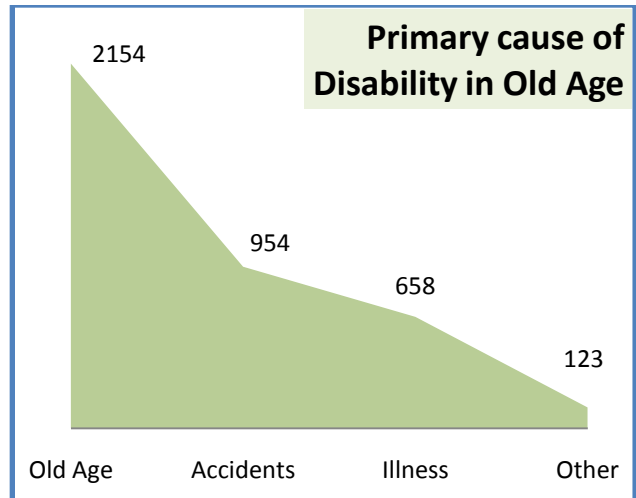
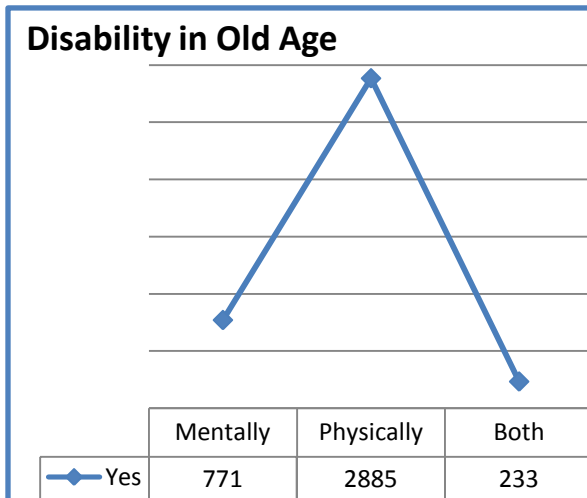
major hurdle while 39.36% older persons held age discrimination accountable for not getting decent work in old age.

- Another 12.73% elderly respondents said that disability and low performance level in old age is major hurdle in getting suitable job in old age.



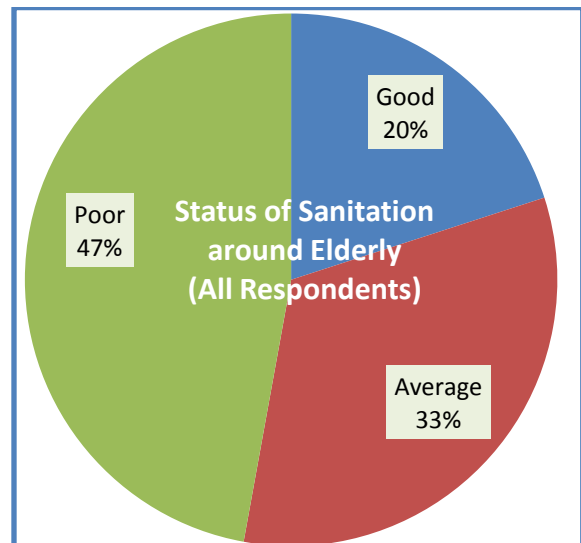
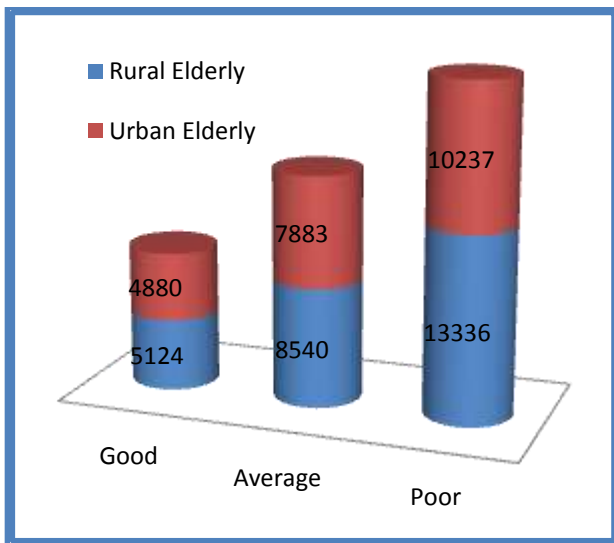
Disability in old age

- When sample respondents were classified on disability parameters, analysis indicates that 7.78% older persons were either disabled or had gone through disability phase in their old age. Out of 50000 respondents, 3889 claimed that they are disabled or had been disabled in the past.
- According to 55.39% disability-affected older persons, old age is primary cause of their disability, while 24.53% disability-affected elderly said that accidents and falls are primary cause of disability in old age. Out of 3889 disability affected elderly 2154 elderly respondents accepted Old Age as primary cause of their concern, so far as disability in old age is concerned.
- 16.92% disabled elderly were found reportedly suffering chronic diseases and illness, which caused disability in old age.



Sanitation/Hygiene in old age

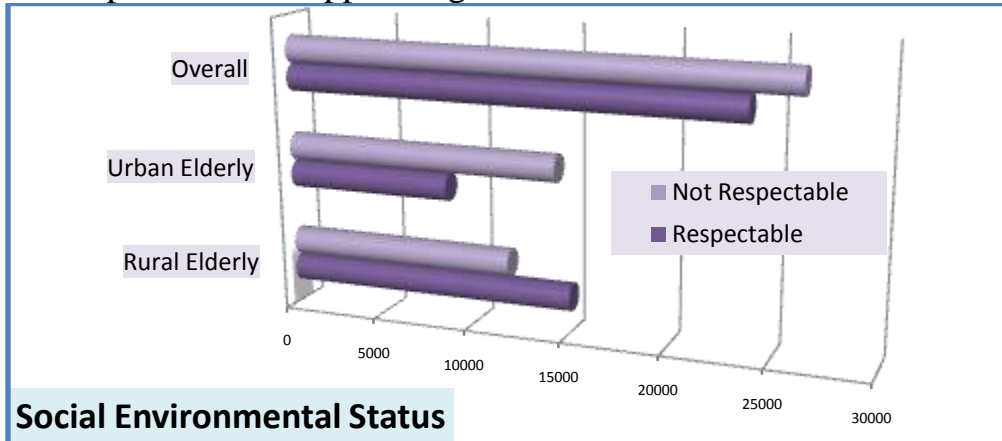
- 20% elderly respondents said that sanitation/hygienic status is good, 32.85% elderly said that its average and most elderly i.e. 47.15% termed sanitation status in and around their houses as poor.



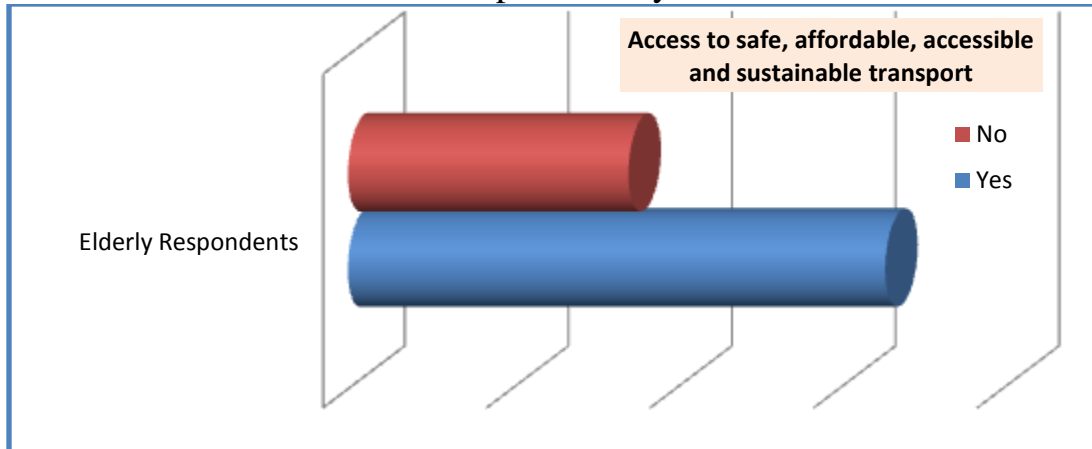
Social Status in old age

- As per 47.5% elderly respondent's social environment status of their family/society is respectable while majority (52.5%) find the social environment around their houses and in the society not respectful.

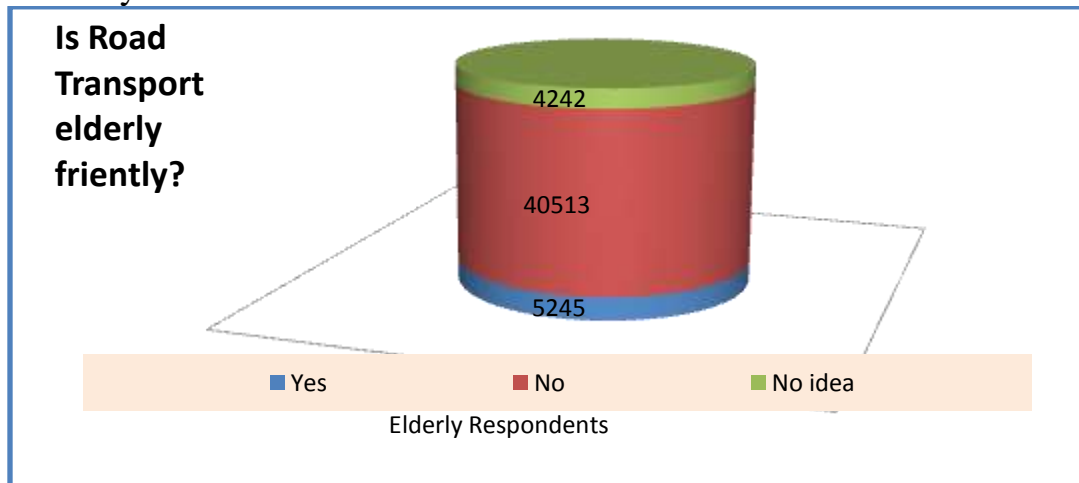
- In urban areas, according to 14360 out of 23000 urban elderly, social status of older persons is disappointing.



- Almost every third elderly (34.3%) had no access to safe, affordable accessible and sustainable transport facility.

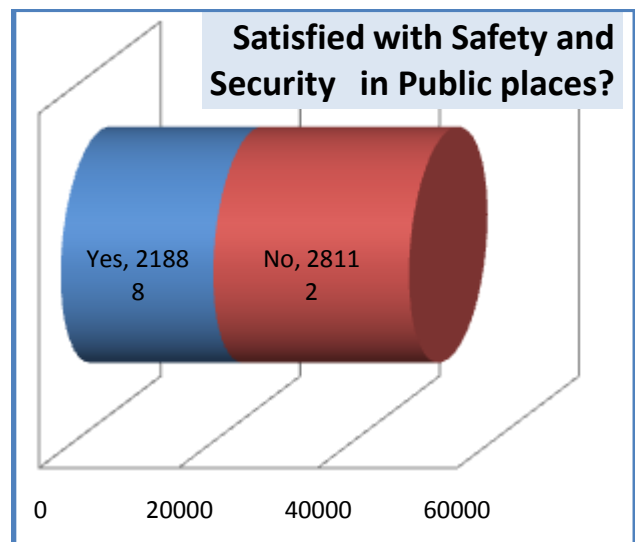
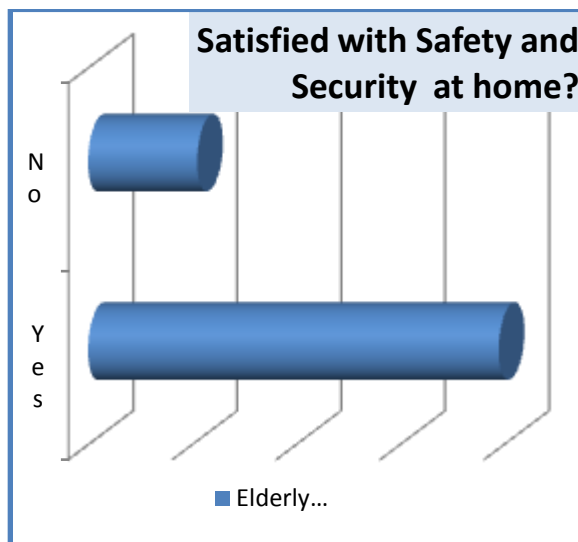
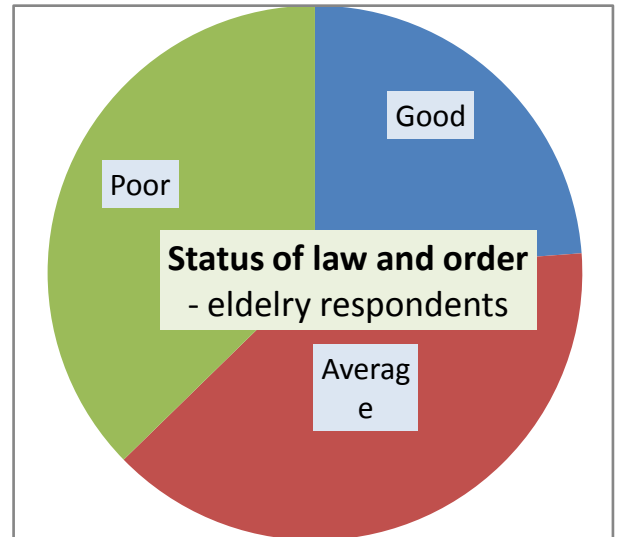


- 81.03% elderly respondents don't find road transport facilities elderly friendly.



Safety & security in old age

- 23.86% older persons said that status of law and order in their locality is average, while 37.31% elderly respondents judged law and order status as poor. Only according to 23.83% elderly respondents' law and order status in their locality is good and they find themselves safe and secure.
- When older persons were asked about sense of safety and security in their houses, 79.01% respondents agreed that they feel safe and secure inside their houses, while 20.99% said that they are not 100% safe even inside their houses.
- When the same question was asked in terms of public places, less than half elderly (43.78%) said that they feel safe even in public places and more than a half (56.22%) expressed their view on safety and security in public places negatively.

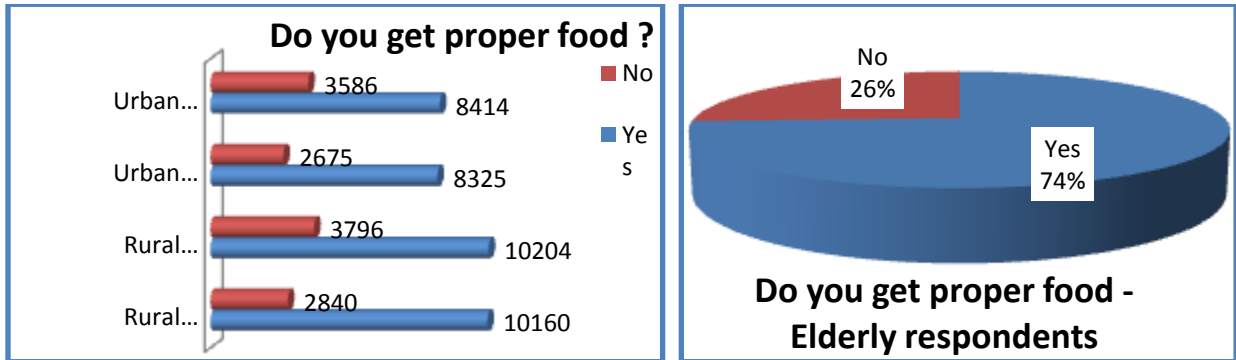


Food in old age

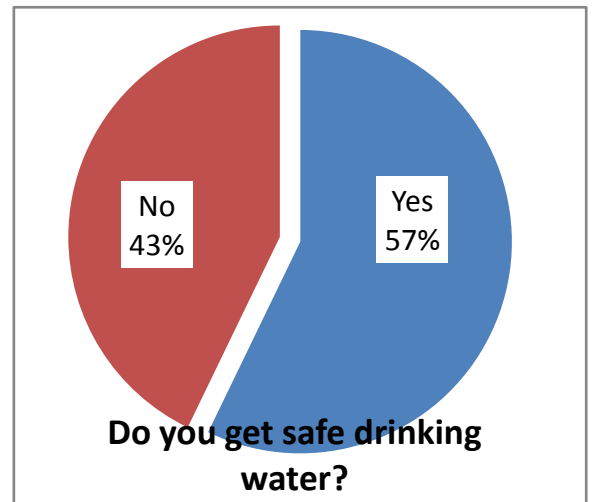
- Overall 74.2% elderly people accepted that they are getting proper food in old age, while almost every fourth (25.8%) elderly person is reportedly not

getting proper food. Out of 50000 elderly respondents, only 37103 getting proper nutritious enough food in old age, while 12897 elderly people are deprived from getting proper food.

- Ratio of getting proper food in rural as well in urban areas is almost same.

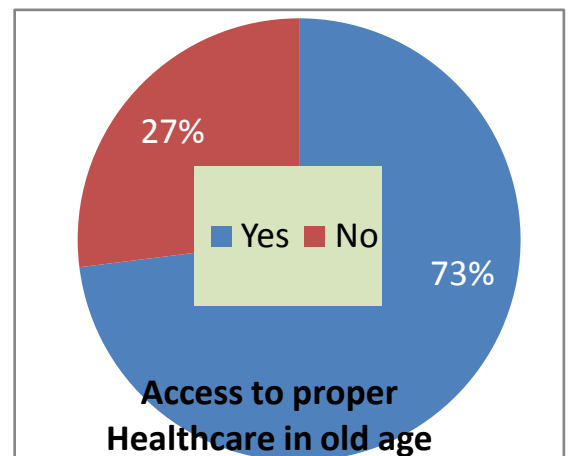


- 57.3% older persons (28650 out of 50000) said that they can say that their food is nutritious, while 29.62 % elderly respondents said that their food is less nutritious and 13.08% elderly termed their food as mal-nutritious.
- Even 42.83% older persons (21414 out of 50000 elderly respondents) reportedly said that they are not getting safe drinking water currently. Out of them almost half elderly respondents' had never got safe drinking water as majority of them were dependent on natural/traditional source of drinking water.

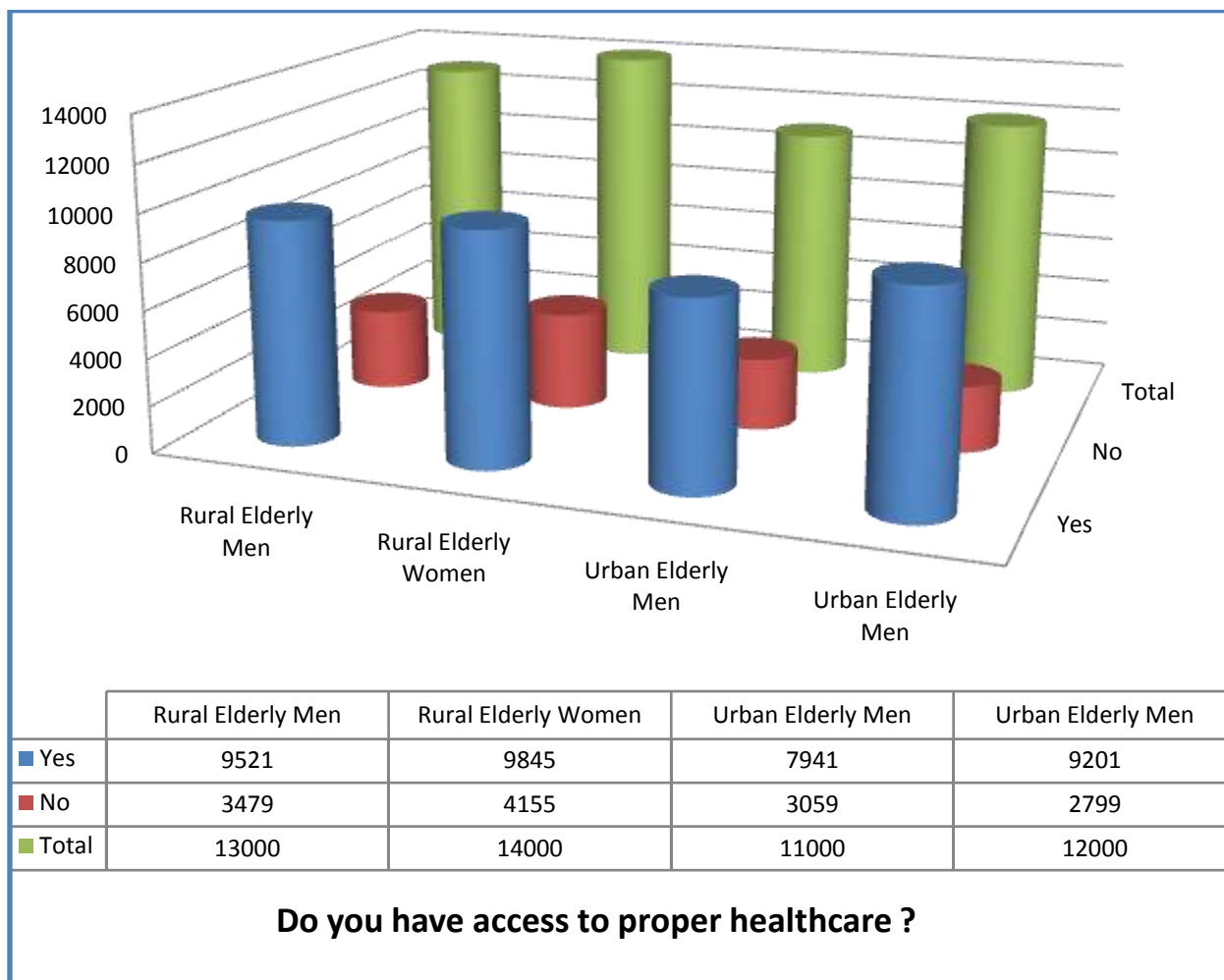


Healthcare in Old Age

- 27% older respondents had no access to proper medicine/healthcare facility. In rural areas 28.3% elderly respondents and 25.5% urban elderly respondents were not getting proper healthcare facilities.
- 73% older persons were found getting



proper medicines and healthcare facilities. In urban areas status of healthcare facilities was found better, where 74.5% elderly respondents accepted that they have been looked after medically well while in rural areas only 71.7% elderly respondents were getting regular healthcare facilities.

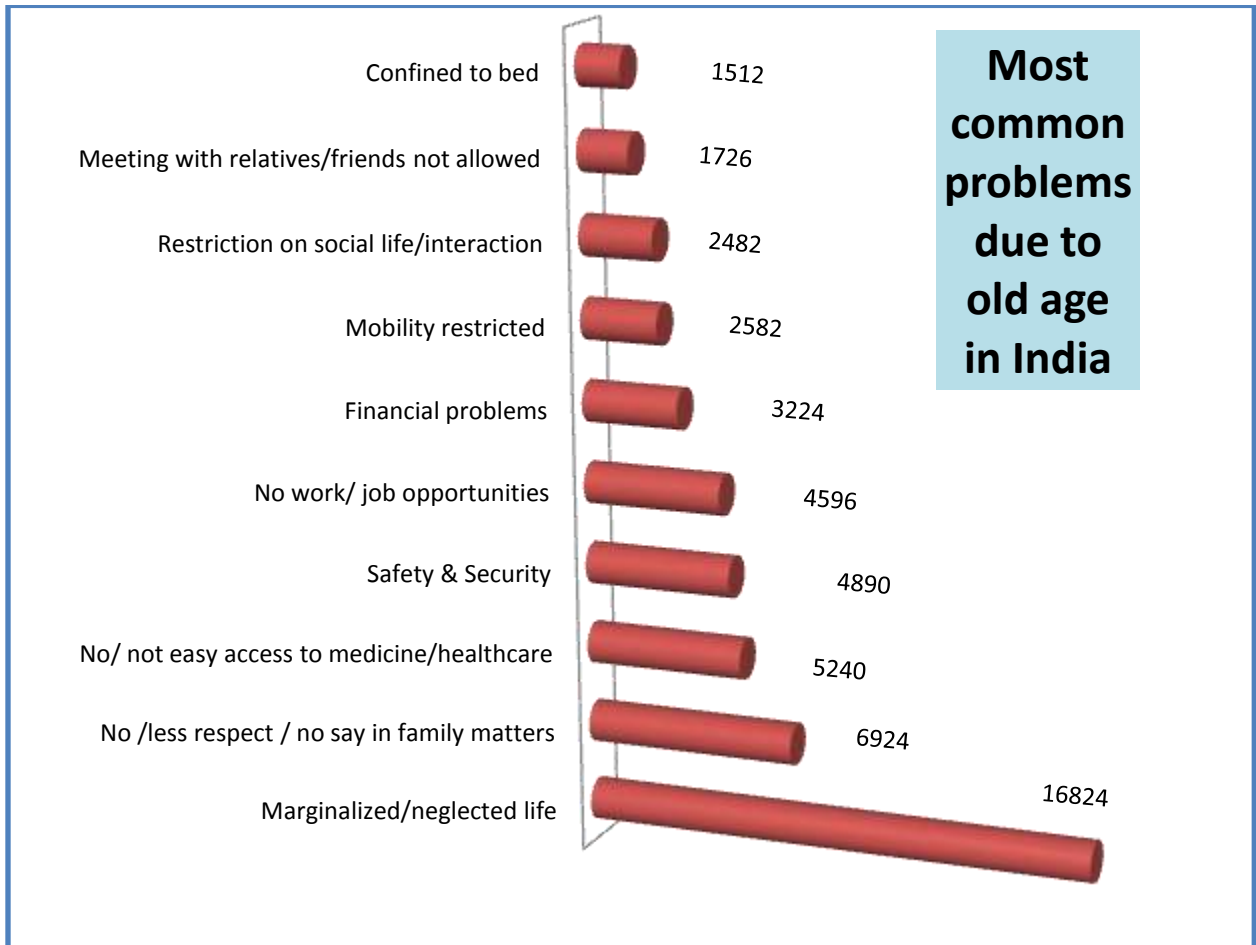


- Half of the deprived elderly respondents (53.9%) said that healthcare facilities/ medicines were unaffordable for them, that’s why they could not get proper healthcare in old age.

Common problems due to old Age

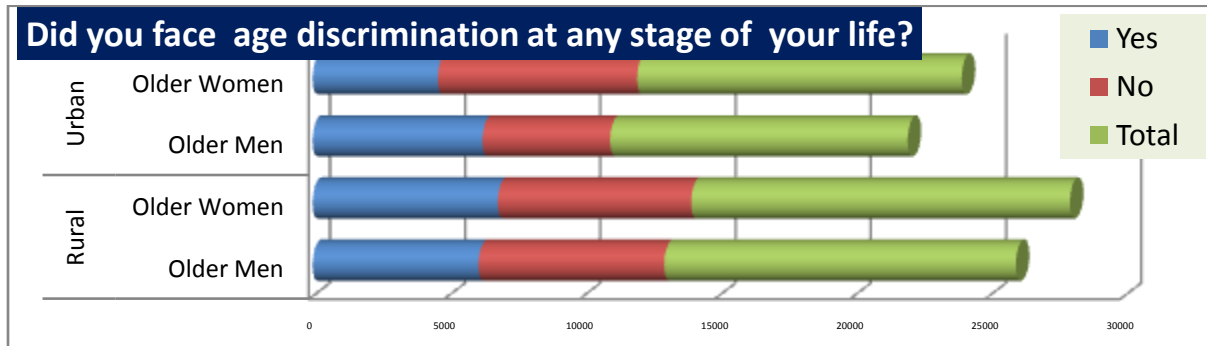
- When elderly respondents were asked about common old age problems, marginalization and neglect in old age emerged as most common problem. According to 33.65% older persons (16824 elderly out of total 50000 sample respondents) agreed that marginalized/neglected life in old age cause many problems in their life.

- 13.25% elderly respondents (6624 out of 50000 elderly) said that they have no/less respect and/or no say in family matters, which disturb them a lot.



Age Discrimination

- During the survey 47.78% elderly respondents acknowledged that they face age discrimination often, while 52.22% elderly respondents denied any kind of age discrimination in day to day life in their old age.



REPRESENTATIVE STATEMENTS FROM OLDER PEOPLE

“Our children are settled in big cities, they want to keep us with them but we find it difficult to adjust with their lifestyle. Being alone, poor law and order situation in the area has turned into a bigger problem for us.”

- Pritam Trivedi 75, Retired Govt. employee and Rama Devi, Sitapur, UP

“My family members often restrict my visit to village. During family functions they don’t allow me to interact with guests & relatives and keep me busy with household chores. After death of my husband, I am living just like a maid in my own house.”

- Gangabai Mhatre, 70-year-old widow, Nagpur, Maharashtra

“I have no space for me in the house, which I have built with my own hard-earned money. My daughter-in-law has occupied entire house gradually and forced me to stay at my daughter’s house. Whenever I go to my house, she misbehaves with me. I am fed up with the harassment. That’s why I prefer to live in my daughter’s house.”

- Prabhakar Varma, 75-year-old Electrician, Chennai

“Old Age has become a bane for me. When I needed more money for paying my medical bills and my wife’s treatment, I am unable to get work and have reduced income. I am totally fit and experienced but could not find a suitable job just because of my age.”

- Ramakant Ramaswami, Kochchi, Kerala

“It hurts me a lot when people don’t listen to me carefully and take my views and comments lightly. Even police had ignored our complaints & requests when I approached them for help. People think that Old People have no work to do, but to complain about everything all the time.”

- Sunanda Ahlawat, 66, Ajmer, Rajasthan



“I have been facing emotional as well as physical harassment for many years. My son, daughter-in-law & grand-children keep me locked from outside whenever they go out. Sometimes, even for long hours I have to live in prison-like conditions. They take away all my pension money as well.”

- Charles Joe , 81, Mumbai, Maharashtra

Representative grievances received by Agewell Foundation from older people (Original as received)

Old parents being harassed by children

1 message

Kuldeep Rishi <kuldeepkrishi@gmail.com>

Mon, May 12, 2014 at 10:59 PM

To: scscphq@bol.net.in, helppage@nde.vsnl.net.in, agewellfoundation@gmail.com, jtcp-ndr-dl@nic.in

Hi,

Being a responsible citizen i am hereby writing in a hope that your organization will help a old age couple.

An old couple in our locality (Roshanpura Colony, Najafgarh, New Delhi - 110043) is being harassed by their son and daughter in law and have recently been pushed out of their home. The parents were badly beaten by their children. The parents being reputed people in locality don't want to file a police complaint or ask for their rights under Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

I am therefore writing out to you in a hope that you would better help guide them and will help them get their rights.

Please reach out to me for further information.

Further i would appreciate if you can keep this conversation confidential.

Thanks & Regards -

[Kuldeep K. Rishi](#)

+91-9958774727

Re: Help sought

1 message

Venugopal V <wevenu@gmail.com>

Fri, Jul 11, 2014 at 7:48 AM

To: Himanshu Rath <agewellfoundation@gmail.com>

Please go through the forwarded message and request be of help

On Thu, Jul 10, 2014 at 11:12 AM, Venugopal V <wevenu@gmail.com> wrote:

Sir,

I am v.venugopal , a farmer by profession, aged 75 residing at 3/223, Balaram garden street,Manappakkam, Chennai_____600125

In 1990 my vision got impaired .Taking advantage of this O.V.Veeraragavan has induced Revenue Divisional officer of Maduranthakam ant Tasildar of CHEYUR TALUK in Kancheepuram district to cancell my patta(prescriptive title) no 39 of my land bearing [s.no](#) 289/3A1A, 289/3A3A,289/3A3B AT VADAPATTINAM VILLAGE COMMING UNDER cHEYUR TALUK.

Revenue officials without causing a notice to me in the year 1997 have stealthily canceled my patta no 39.Please refer RDO [K.D.no](#) 124 / 97 and tasildar B A no 459/97.This helped O.V. Veeraragavan to sell my land to some one else.

My grievance petetion is pending before The District Collector of Kancheepuram district.He has demanded from Revenue divisional officer of Maduranthakam in his order no O. MU 38240/2013/N4 dt27/11/2013 the details about the changes made in the village records reg the cancellation

Even after six months the RDO has not obliged to give his reply.

Due to my kidney malfunctioning i am not able to travel and meet the Collector and see redressal.Please be of Help.

Thanking you, v.venugopal

mental and physical torture on elderly woman by her own sons and daughter-in-law

1 message

inderjoyt kaur bajwa <inderjoytbajwa@gmail.com>

Thu, Aug 29, 2013 at 2:06 PM

To: agewellfoundation@gmail.com

good afternoon sir,

I would like to draw your kind attention towards a sad incident ,which had happened with a old lady name "**shanti rani**" age 83 ,wife of late Dwarka nath **R/o** house no. 96-B ,BG-6 ,paschim vihar,New Delhi . the victim is living with her youngest son sanjeev kumar and his family-wife pooja , and 2 siblings. the widow is suffering the misbehavior from last 6 months ,she is not being provide with basic food and clothing .she is solely dependent upon pension,which she receives every 3 months,even she is not provided basic medical facilities as she is ailing from old age problems, and lost the vision of right eye due to lack of proper care.

The **main contention** is on 22 nd of august ,i.e a property dispute,where due to this sufferings,she demanded a separate room and food and medical expenses,the youngest son readily denied her demands and started abusing her and told her to get this through court and leave their house immediately.

Then he called his brother,the younger son of the widow and his wife: narender sharma and his wife Rama, R/O of 190-C ,BG-6, paschim vihar. they came at the youngest son sanjeev kumar's place and they started abusing the widow in a bad manner ,when she tried to out if home,for complaining to police ,she in order to restrain her from going pulled her on bed ,and started beating with chappal and slapping her badly,the widow went into shock .the blue marks are visible on her chest .

The widow went to **paschim vihar**, police station and also went to **ACP,punjabi Bagh** ,they told her to give them written complaint. but,nobody is coming forward to help her. as the youngest son has threatened her sisters ,if they do so,he will file a forged complaint against them also and even widow s grandson name Dinesh ,residing in Dubai over the call, also threatened her not to go to police,if you go to police,i will destroy your daughters s lives and their family

TO verify the facts above stated you can call the widow on **phn no. 9250483171**

Well,she is under shock and scared of what had happened to her ,it is my humble request to look into this matter and take a strict step to avoid such incidents in future and giving her a peaceful and secure environment.

Need immediate help for lungs Cancer treatment of my father.

1 message

Siddharth Verma <siddharth1843@gmail.com>

Thu, Apr 17, 2014 at 9:09 PM

To: agewellfoundation@gmail.com

Dear Sir/Madam,

My father Mr.Ravindra Kumar Verma age 77yrs is lungs cancer patient .Already one lungs cancer surgery held in 2010 and nine chemotherpy given recently in Indore M.P..We resides in a rented house in Indore & belongs to a poor family.I am jobless from sometime .Our family income is nill and financial position is bad.Because of these reasons I am unable to countinue his treatment thats why I need help for his further treatment.Please find the attachments for his medical reports.

Regards & Thanks,

Siddharth Verma, C/o, Mr.A.B.Kotwal 90,Rajmahal Colony (Main), Manik Bagh Road, Indore (M.P.)- 452007. Mobile : 08602248472.

Help for old father

1 message

VIJAY RATHORE <vijayrathore1@gmail.com>

Mon, May 12, 2014 at 4:47 AM

To: agewellfoundation@gmail.com

Dear Sir/Madam,

My father is 78 years old and has gone through 2 Heart bypass surgeries and is also heavily diabetic (takes insulin injections daily) and resides at Lucknow. He's a retired senior government official (Chief medical officer).

He's been abused and even beaten by my brother's wife (married for around 16 years) for greed of property and also to pursue her illegal extramarital affairs.

There has been police reports from both side however this hasn't helped. Her family initially tried to help us and him but now say they have disowned her. Her husband (my brother) has been helpless too.

Due to greed of money she is consonantly abusing our father and is even threatening to kill him.

I would like to request if your organization can help us in presenting the truth and provide mental support so appropriate legal/police can be taken.

If your organization is able to help us we will provide more details, medical records and other testimonials.

Waiting to hear from you.

Thanking you,
Vijay Rathore



OBSERVATIONS

In India, despite several laws, policies and schemes for the welfare and empowerment of older persons, elderly human rights violation is on the rise.

Transformation of traditional joint family system into nuclear/ small family system, fast declining moral value system and fast paced modern lifestyle are among the main factors responsible for violation of human rights of older people.

In comparison to rural areas, cases of elder abuse are on rise in urban areas. Popularity of small/nuclear family system, lack of intergenerational interaction, less social interaction of older people, age discrimination, non-existence of inclusive social security system in the country, etc. are among the most important reasons of miserable condition of older people in urban areas.

Elderly women living in rural areas are less prone to elder abuse in comparison to urban areas due to their relatively poor financial status and comparatively higher social interaction in old age.

Though majority of older persons are financially independent in old age, they live a life full of elder abuse, age discrimination and ageism. It is also seen that their finances are often

controlled by other younger family members of their families. In other words, we can say that they have limited financial freedom in old age.

Since older persons are comparatively less visible in public places due to various

reasons and live within four walls of their houses most of the time, their voice often remains unheard.

Majority of older persons face harassment within their own houses in the hands of their own family members.

It has been observed that “Old Age” in modern India is being treated like a curse. That’s why most older persons don’t raise their voices against any form of elder abuse. They accept it is as a part of bitter part of their life.

Younger generations often benefits because of physical as well as mental weaknesses, ignorance/illiteracy/lack of awareness of older persons.



CONCLUSION

Level of awareness about human rights of older people in Indian society, particularly among older persons is very low. Being a developing country, despite fast increasing elderly population, there is no special focus on rights of elderly. Therefore protection of human rights of older people is still not a major issue for most Indians.

Largely, over the years, India has developed into a complex society, with a wide mix of traditional values and modern lifestyle. Older people have acute sense of rights and wrongs, but they generally don't ask for specific provisions and applications for themselves.

Housing in old age

Most old people live in their own houses, with their families, but their living conditions are not comfortable and their harassment/mistreatment has become a common phenomenon. Housing conditions of most elderly are not healthy and comfortable. In urban areas there is an emerging trend of institutional care of older people living alone.

There is a striking increase in destitute, abandoned and dejected elderly, mostly

in big cities, forced to live in pathetic conditions without any support system.

Food in old age

Proper and nutritious food is one of the major concerns in old age for many older people of India. Safe drinking water is another core concern in old age.



Financial status of older people

There is a contradiction so far as financial status of older people is concerned. Many older people have higher net worth value but they are hardly financially independent. They have to depend on their family members for their financial matters due to factors like financial illiteracy, declining health status, dependence on family members, etc.

Gainful engagement in old age

Despite willingness and ability to work in old age, there are hardly any gainful engagement opportunities for older people to get decent job and keep them active. In urban areas elderly people are suffering a lot due to non-availability of gainful engagement in old age.

Social security system

Status of old age social security system including old age healthcare facilities is dismal as many older persons still have no access to primary healthcare in old age.

Safety and security in old age

Safety and security in old age matters most for older persons as most of them find themselves marginalized and isolated. In urban areas since social interaction of older people is limited, they are more prone to become soft target of anti-social elements.

Disability in old age

Disability is a common phenomenon in old age, particularly in prime old age. Accidents and chronic illness are major causes of disability in old age. Disabled elderly need special attention and care.

Elder abuse

With popularity of nuclear family older people have become victim of elder abuse including, misbehavior /Mistreatment, restricted social life, abuse/mental torture, denial of basic needs, physical harassment /assault, etc.

Since most of the elderly spend their



life within four-walls, they are primarily abused/harassed by their own family members with various excuses.

Age discrimination

Though age discrimination is prevalent throughout the Indian society, still it is not considered as big challenge by concerned stakeholders in India. In fast changing demographics and socio-economic scenario, older people have now started raising their voice against age discrimination.





Agewell Foundation

(In **Special Consultative Status** with the **ECOSOC** at **United Nations** since 2011)

-Associated NGO Status with **UN-DPI**-

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