



Extending Legal Aid to the Elderly Widows Widowers residing at Old Age Homes

NABAMITA ADAK

Ph.D Scholar School of Social Science (Sociology)

Seacom Skills University, Birbhum

West Bengal, India

Abstract :

A person is considered to be old when he/she attains the age of 60 years . In each individual's life there is a turning point after which he/she feels physiologically or functionally old . However, many people in India reach old age without being aware of its various implications. Unfortunately , in India there is hardly any formal awareness programme – even at higher level institutions or organizations – to enable people to prepare for impending old age . Thus, most people are left unprepared to deal with the grim realities of old age and the host of problems associated with the inevitable process of ageing . Most Indians are also unaware of the rights and entitlements of the elderly.

The traditional financial and emotional support the elderly used to receive from their family \community is fading out. Togetherness is fast becoming a thing of the past and many elderly persons are being left to fend for themselves. The elderly suffer from various forms of mental agony and social isolation . Thus, many elderly persons find it extremely difficult to accept the harsh realities of ageing and its inevitable concomitants . With a highly uncertain , bleak and insecure future staring them in the face , many elderly people sink deeper and deeper into depression . They also remain deprived of the important constitutional right to social security.

While the phenomenon of old age and its concomitants can never be wished away , the problem of not being prepared for it can only be prevented . At the National level the persist with alive of age prejudice and ageism in National laws , policies and practices . It is also indicates that the government have conk out adequately incorporate for the elderly rights. But this can be done through appropriate awareness programs . Human Relations departments can play an active role in regards of old age issues . Older persons who have faced the dealt with these issues can also be roped in to help people prepare for and meet the challenge of these old age issues . The Government offices , the (print and electronic) media and NGOs can be used to spread awareness.

Keywords: Legal Aid; Elderly Widows ; Old Age Homes .

Legal Aid of the Elderly (Widow\Widowers)

With rising life expectancy all over the World the elderly population is growing . By 2050 the global population is projected to touch 9.8 billion while the global elderly population is estimated to increase from 0.14 percent to 21.7 percent . Thus , the problem of elderly population is assuming global (and serious) proportion .

India , a leading populous country of the World , is experiencing unrepresented demographic changes . Increasing longevity , coupled with declining fertility , has resulted in a dramatic rise in the number of adults aged 60 years and older . According to the United Nations population Fund and Help Age India by 2030 nearly 12.5 percent of Indian's population will be over 60. And by 2050 this percentage will rise to 20 (The Telegraph , Calcutta , Monday, 1 March).

In earlier times , thanks to their experience and wisdom , the elderly used to enjoy high positions and respect in society . But those day are gone . Most elderly persons especially those having meagre or no means , are to -day looked upon as liabilities and made to feel unwanted by their kin. Westernization , industrialization , urbanization , changing roles of women , disintegration of the extended family structure etc.

The elderly are subjected to abuse , willfully or inadvertently , by a family member or somebody close to them. Steps must be taken , whenever and wherever possible , to protect elderly persons from abuse. Majority of the elderly are affected with some kind of diseases or health problems . This produces a sense of hopelessness, despair , anxiety and fear . Problem in health and physical changes affect their confidence and sometimes bring about emotional breakdown . According to the Help Age India (2024) in India 28% receive ill-treatment from daughters -in-law and 42% from their sons . This is a very common phenomenon of the elderly lives . Lack of physical strength and social isolation makes them victims of such things . And the problem is present in all sections of the society and both rural and urban areas. This is the post- retirement age, the income is reduce and the family head turns into a dependent person and the financial support from the family is woefully inadequate . Their children begin their new lives and get separated from their parents because most of them are employed in places far away from home . This brings isolation to the elderly persons.

The problem is global now . In fact the vulnerability of the elderly has grown become so that every country is concerned . The older people are facing host of problems like financial , physical and psychosocial problems . These problems must be considered in a particular laws to prevent this situation in respect of elderly issues. The weak and the dependent widowed elderly (both male & female elderly) in particularly badly need physical , mental and emotional care support and also the legal aid facility . The compelling need for money , food and shelter for security and medical aid , for company love and affection is very much there . And it is precisely because of this that the issue of institutional care for the widowed elderly has assumed utmost importance and urgency . The old age home may not be the panacea remedy for the ills of the elderly but it can provide the healing touch and protecting the helpless elderly and ameliorate their plight considerably.

In the old age home legal action needs to be taken against those who deliberately abuse the elderly . The offenders should be counselled and suitably rehabilitated . The elderly (widowed) who are victims of abuse should also be appropriately counselled and rehabilitated in order to facilitate their speedy recovery .

From the vulnerable psychosocial condition the elderly feel certain to be freed , their human right to social security being upheld . In the same strain the ICESCR guarantees that the State Parties to the present Covenant recognize the right of everyone to social security including social insurance . It may be remembered in India and State -Parties to the Covenant ,ICESCR of 1996 . Article 25 of the UDHR says himself and 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 circumstance beyond his control . Similarly Article 11 of the ICESCR says that (1) the state parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family , including adequate food , clothing and housing and to the continuous improvement of living conditions .Article 41 of the Indian Constitution provides as one of its important directive principles of state policy that the state shall , within the limits of its economic capacity and development make effective provision for securing the right public assistance in cases of old age , sickness and disablement that certainly includes physical and mental disability, etc. Similarly Article 15(d) of the constitution provides , as one important principle of state policy that it shall be a fundamental responsibility of the state to secure to its citizens the right to social security like – public assistance in case of illness or disablement in old age or in other such cases . Over the years , the government has launched several schemes and policies for elderly people . These schemes and policies are meant to promote health , security and independence of senior citizens around the country (SAEI, 2011) . In conformity with the human rights and constitutional rights , the psychosocial vulnerability the elderly are suffering from is to be removed , for they have given birth to the present life . They need to be a source of strength for the nation , rather than a burden.

Safeguarding the older people imply keep safe encourage the right for the senior citizens to live in secure conditions free from abuse , neglect or exploitation . Older people always more vulnerable because of their age , which means that they require greater care empathy , understanding and sensitivity. Such an approach could be help to stop any mistreatment .

In India the human right to social security as described in various human rights instruments like the Universal Declaration of Human Rights (UDHR) of the 10th December of 1948 , and the International Covenant on Economic , Social and Cultural Rights (ICESCR) of 16 December 1996 , the Declaration on the Right to Development (DRD) of 1986 etc. Article 22 of the UDHR provides that everyone , as a member of society , has right to social security and is entitled to realization , through national effort and international co- operation and in accordance with the organization and resources of each state , of the economic , social and cultural rights indispensable for his dignity and the free development of his personality.

In conclusion , safeguarding the elderly is a multifaceted issue that requires ongoing research , policy development , and collaborative efforts to ensure the well- being and rights of older adults. The older adults badly need to social & emotional support .

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