

SENIOR CITIZENS AND MAINTENANCE ACT, 2007: CONTEMPLATING ON THE PROS AND CONS

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INTRODUCTION

We all know ageing is a natural and biological process. As a person grows older there can be visibility of not only of older biological symptoms including both mental and physical like greying of hair, skinny physique, thin bones, wrinkled faces, toothless oral cavity and decline in the functional capacity of the organs but also there are indications of ignorance from the society, people including those sharing blood relations exhibit signs of ignorance, looking after the oldies become onerous and therefore this kind of behaviour marginalizes the generations which are considered too hoary or inactive in the eyes of some insensitive humankind in the society.

Challenges in Old Age:

- 1) Economic loss, employment loss, financial base turns comparatively weaker
- 2) Physical and Physiological including psychological problem
- 3) People generally start neglecting them and their further responsibility is felt burdensome

CONTEMPLATION ON AGEING AND THE WORLD'S VIEW ON IT

On 26th July to Aug 6 1982 World Assembly on "Ageing" was held in Vietnam. The object was to adopt an International plan of Action on aging. The target was-

- 1) Emboldening countries to plan out strategies, policies, schemes on aging in their population while considering the need of the elderly.

2)The plan was on the basis of social, economic, cultural implementations related to humankind and developed issues.

3)They started pressurizing governments to take necessary steps on this burning issue to show follow up action.

Measures taken by the world:

- 1) U.N General Assembly declared the year 1999 as the year of the Older Persons.
- 2) They even declared 1st October as the International Day for the Elderly later rechristened it as the day for the older persons
- 3) Older people should be accessed the better medical facilities to provide them better medical emotional wellbeing.
- 4) These senior citizens should be able to live with dignity and security without being emotionally and mentally abused.

WHAT DID THE INDIAN GOVERNMENT DO?

1)On 13 January 1999 The Indian Government gave approval for the National Policy for Older persons in order to look after the welfare measures and emboldening the older people to benefit them.

2)A pension fund was setup to ensure security for the ones who have been serving in the unorganized sector.

3)Construction started for old age homes and day care centres in every 3-4 districts.

4) Legislations were enacted to ensure geriatric care in all the public hospitals

5) Including courteous treatments towards elderly chapters in the school syllabus so that the children may no more develop a tendency which brings social ostracism for elderly.

6) Several schemes have been started by Life Insurance Corporation of India like “Jeevan Dahn Yojana” and “Jeevan Akshara Yojana” to benefit the elderly.

7)The then government Striatal Bihari Bajpayee started “Annapurna Yojana” to provide 10kg food per month to the older persons.¹

AN IMPORTANT VERDICT BY THE COURT

An important verdict by the hon’ble court Madurai Bench of the Madras High court passed a verdict elucidating the benefits given to a government employee disabled during his/her services under Section 47 of persons with disabilities under section of Persons with disabilities (equal opportunities, protection of rights and full participation) Act 1995. The court specifically mentioned seven conditions that are blindness, low vision, leprosy-cured, hearing impaired, locomotor disability, mental retardation and mental illness which are the symptoms of old age. Therefore, the division bench comprising of Justice. F. M. Ibrahim and Justice. K. Venkatraman passed a verdict benefitting the older persons.

WHY DO I SUPPORT THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT 2007?

Under clause 5(1) of the bill, a senior citizen or an older parent may apply under clause 4. A senior citizen is anyone who is above 60 years old and a parent can be anyone either father or mother, biological or adoptive. If the parent is incapable than any other authorized person can apply for maintenance on their behalf.

The bill seems quite effective for the maintenance of old people as it mentions of appeals to be made to the tribunals for maintenance if they are in any way ostracized by their children or family members. The bill is ready to support the financial base of the older persons as the statute clearly mentions that on not maintaining the parents the children may have to pay a sum of Rs. 10000 per month for meeting the expenses of the daily needs.

The bill seems quite promising as it focuses on construction of hospitals, day care needs and old age homes for the older citizens so that if no one appears the government is always ready to lend a hand to the needy who has no one to be looked after.

The bill also clearly mentions that if any older person or a parent misrepresents to be benefitted under Clause 9ⁱⁱ of the discussed act, as per the provisions mentioned therein, the government shall cancel all the orders in regard of benefitting the older citizens. This leads to transparency in the system and nullifies the undue advantage taken from any legislation for that matter.

Therefore, legally speaking this legislation enacted has all the powers to look after and lend a helping hand to any older person or senior citizen who seeks relief, is unable to maintain himself/herself and finds that his or her right to live with dignity and prevention from being exploited in any way under Art 21 of The Constitution of India if there is any right infringed by their children they have all the legal remedies available.

WHAT ARE THE LIMITATIONS OF THIS BILL?

To my mind, as far as I can deal with this contemplation over these issues I appreciate how the government has taken measures, supported the enacted legislation and exhibiting a helping hand to serve the weak or marginalized senior citizens however I hesitate to subscribe to all the provisions as it seems unclear to me; reason being on one hand it mandates the children of the older people to pay a sum of Rs.10000 or amount not exceeding that to support the financial base but what if the person asked to provide the remedy is himself financially weak?

Since this statute is applicable to all over India, to all the Indian citizens living in the same nation which comprises of 60% rural population. Now, considering the fact that they themselves are indigent how can and will they take care of their parents seeking remedy?

Secondly Sec 125 of the Criminal Procedure Code does mention about a provision that allows maintenance of parents, wife, divorced wife and children then how is the statute different from that provision in terms of maintenance? As any way one has to bear the maintenance cost in proportionate to one's income level.

Lastly, I wonder that how come this legislation help an older person from not being socially ostracized as mere supporting financially and not misbehaving does not refer to the context of being highly affectionate by the younger ones or highly revered in the society. Although the Government's plan to include chapters in the school syllabus regarding old people seems to be

a wonderful idea but since law and morality pave their own ways. On one side of the coin where the legislations are the outer conduct at this point of time moral values involving treating elderly people is an inner conduct that comes from within and unless the mentality, the thought process , the right mindset of the elders living in the society changes, unless they teach their children these basic moral senses about their becoming an older person someday and the kind of treatment they will receive , till the time the self-realization comes into the picture I feel even the legislations seem to fade and remain as a formality .

REFERENCES

ⁱ Available at <https://academiccommons.columbia.edu/doi/10.7916/D8F195J2> last visited on 10th April,2020 at 7:30 pm

ⁱⁱ Available at <http://socialjustice.nic.in/writereaddata/UploadFile/Annexure-X635996104030434742.pdf>