

FROM DARKNESS TO HOPE: ADDRESSING AGING AND ELDER**ABUSE**

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ABSTARCT

Old age is a critical phase of human development including biological processes, perception, growth, development, and maturity, occurring naturally in life. The elderly are a crucial segment of a nation's population and deserve the same respect and care as any other group. The senior population is encountering unavoidable hurdles in maintaining a dignified lifestyle owing to changing family structures and modernization. Elderly individuals are often confronted with perilous situations such as loneliness, neglect, age-related illnesses, and lack of care. Regrettably, the perpetrators are their family members, upon whom they paradoxically rely the most.

Regrettably, the majority of abuse victims never disclose their experiences. Indian laws offer several penalties for elder abuse. Elder abuse may lead to both civil lawsuits and criminal prosecution. Children's legal responsibilities to support their parents are outlined in several personal laws. Neglected elderly individuals may also claim support under Section 125 of the Code of Criminal Procedure. Elderly individuals get several constitutional and legal protections and privileges. This study explores the many variables contributing to elder abuse and strategies for prevention. This study delves into several ethical and legal concerns surrounding the subject to emphasize the need of a multidisciplinary legal and holistic strategy to address this serious problem.

Keywords: Elderly, Abuse, Legal, Prevention, Development

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INTRODUCTION

Abuse exists and has cultural relevance as the particular difference of societal norms between actions which are of a social norm in inter personal interactions and those deemed unacceptable. We need to understand that the concept of desirable behaviours varies depending on the value standards and norms of each society in which humans live.

During the latter stages of life, a human undergoes a decrease in both physical and mental functioning. Additionally, there is a progressive transition occurring in economic status, shifting from a state of economic self-sufficiency to a state of economic reliance. Due to their physical frailty and reduced ability to defend themselves, elders are susceptible to numerous sorts of abuse on a regular basis.

Elder abuse may be defined as the infringement against an individual's fundamental human and civil rights, resulting in suffering and occurring either once or frequently. Elder abuse, first referred to as "granny battering" in a British scientific magazine by Baker (1975), is the act of mistreating elderly individuals. Subsequently, other scholars formulated distinct definitions for the concept of elder abuse.¹ According to Johnson (1986), elder abuse is the condition in which an older person experiences needless pain caused by themselves or others, which is not required for maintaining their quality of life.² This definition considers elder abuse in relation to the experience of suffering as a determining factor in determining if maltreatment has taken place. Bookin and Dunkle (1985) provided a definition of elder abuse that emphasizes its impact on older individuals. Their definition shifts the emphasis of intervention towards addressing the damage inflicted upon the elderly, while also aiming to eliminate any cultural prejudices.³ The World Health Organization (WHO) in 2008 defined elder abuse as any act or omission that causes injury or distress to an older person within a relationship where trust is expected. They also saw it as a sequence of behaviours inside a relationship based on trust or reliance that results in bodily or psychological damage. This injury may be inflicted by caregivers, such as spouses, family members, or acquaintances, or

¹ Bridget Penhale, "Elder Abuse in the United Kingdom," 20, *Journal of Elder Abuse and Neglect*, 1-12, (2008)

² Johnson T., "Critical issues in the definition of elder mistreatment," in K.A Pillemar and R.S Wolf (eds.), *Elder Abuse: Conflict in the family*, 167-196 (Auburn House Publishing Co., 1986)

³ Bookin D and Dunkle R.E, "Elder Abuse: Issue for the Practitioner," *Social Casework*, 3-12, (1985)

it may be the consequence of inadequate training of social and health institutions, which are unable to adequately address the needs of older individuals.⁴

Perceptions of abuse vary among cultures, as a conduct that is deemed harmful in one society may not be seen as such in another. This is a contributing factor to the underreporting of elder abuse. Additionally, this behaviour is seen as a societal transgression, with even older individuals choosing not to disclose the mistreatment due to concerns of reprisal, damage to family reputation, and neglecting their own well-being. They begin to see the incorrect sequence of acts by caretakers as manifestations of old age. Additionally, the issue is exacerbated by the absence of institutions that facilitate such reporting, a lack of confidence in the current judicial system, and the inability to navigate the legal procedure and accept the unpredictable outcomes. The issue of elder abuse persists throughout communities, rendering each individual susceptible to its detrimental effects in their later years.

DEFINITION AND TYPES OF ELDER ABUSE

Elder abuse is the act of mistreating or acting improperly towards older individuals by someone who have positions of trust, authority, or responsibility for their care. Elder abuse encompasses several forms of mistreatment, such as physical abuse, sexual abuse, financial exploitation, psychological abuse, self-neglect, infringement of rights, invasion of privacy, and exclusion from decision-making processes. Abuse can be defined as any deliberate or undeliberate activities done by the attendant of the elder person that causes him/her injury or suffering. It can be in the form of physical, mental, sexual, or financial. Further, elder abuse can be active or passive in nature.

Active abuse includes acts such as insult, assault, and other forms of violent aggression, while passive abuse involves inflicting bodily threats and inducing fear in the victim. Elder abuse and neglect are classified differently across different geographic regions and institutions. Abusive actions are intentional acts in which a person seeks to harm others. However, neglect is not providing adequate treatment, care, personal goods, or services that may also result in harm to others.

⁴ Abuse of older people, available at <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people> (last visited on 20th May, 2024)

- **Physical abuse:** It encompasses any use of authority or coercion that leads to bodily harm, physical suffering, or physical disability. Physical abuse includes actions such as kicking, biting, shoving, shaking, slapping, tugging, pinching, burning, imposing physical restrictions, using force while feeding, and administering physical punishment. Physical abuse is characterized by several indicators such as periorbital bruising, cerebral trauma, lacerations, ligature marks, skeletal and cranial fractures, open wounds, incisions, punctures, unattended wounds, sprains, dislocations, haemorrhaging, and internal trauma.⁵
- **Sexual abuse:** Non-consensual sexual contact with an individual is referred to as sexual abuse, including unwelcome physical contact or any kind of sexual violence, such as rape, coerced nudity, and the dissemination of explicit photographs. If a person involves in sexual relationship without the consent of a disabled person, it shall be considered as sexual exploitation. The symptoms of it includes fear, sexual illness, and infections in private parts.⁶
- **Psychological abuse:** Psychological coercion encompasses both verbal and non-verbal tactics aimed at exerting mental pressure. In order to achieve these aims, the strategies may involve verbal assault, invectives, intimidation, disgrace, molesting, treating like a child and socially isolating aged persons. The indicators of psychological abuse include emotional disruption, apathy towards communication and intellectual exchange, neglect, aberrant actions such as (sucking, biting, shaking), and the elderly reporting instances of verbal and emotional abuse.⁷
- **Neglect:** Neglect refers to the failure to meet the needs and requirements of an elderly person, including their inability to provide care or fulfill essential life necessities such as food, water, shelter, personal hygiene, medicines, convenience, comfort, personal safety, and other essential requirements. The indicators and manifestations of neglect include desiccation, malnourishment, unattended decubitus ulcers, inadequate personal hygiene, disregarded medical issues, hazardous living circumstances, absence of sanitation

⁵ Dr. Komal Chandiramani, "Elder Abuse in India: issues and Considerations," 4, *The International Journal of Indian Psychology*, 74-85, (2017)

⁶ *Id*

⁷ *Id*

(infestation, improper attire, stench of urine and faeces in the dwelling, unclean and squalid bedding).⁸

- **Abandonment:** Neglecting the elderly by the one entrusted with their care or subjecting them to confinement by a caretaker. The indicators of abandonment include the act of forsaking the elderly in medical facilities and assisted living centres, deserting them at commercial establishments or other public areas, and the elderly themselves reporting instances of being abandoned.⁹
- **Financial abuse:** Elder financial exploitation refers to the illicit or improper use of an older individual's financial resources, assets, and possessions. It can be realized by unauthorized money transfers, fake signatories, theft or misuse of belongings, duress of elderly to sign documents and the wrong use of guardianship and legal representation.¹⁰

THEORIES OF ELDER ABUSE

Over the last three decades, researchers, politicians, and care providers have presented several theories and theoretical frameworks to explain the occurrence of elder abuse. Some of these views were derived from notions pertaining to other forms of domestic violence and drew comparisons between elder abuse and the abuse of children and women, which is an illogical analogy. Theories were often developed to explain the observed data derived from the description of a sample of senior victims of abuse in a research study. The majority of theories in this respect primarily concentrated on describing the characteristics of abusers, victims, their interpersonal dynamics, as well as the cultural and societal circumstances in which abuse occurs. The many types of theories include-

1. **Social Exchange Theory:** The notion of exchange examines the relationship and interdependence between the victim and the caregiver. This theory posits that abuse may manifest within the framework of strategies and reactions in familial dynamics. The majority of individuals adhere to a set of implicit guidelines and engage in reciprocal interactions with others. These implicit norms and anticipated outcomes create an equilibrium between our contributions and rewards. When power equilibrium is disrupted

⁸ Yatish Kumar and Ankita Bhargava, "Elder abuse in Indian families: Problems and Preventive Actions," *International Journal of Scientific and Research Publications*, 1-8, (2014)

⁹ *Id*

¹⁰ Putul Mahanta and Ankumoni Saikia, "Elder Abuse: Ground Realities in India," *Journal of Indian Academic Forensic Medicine*, 59-62, (2019)

and a dominant individual unfairly dominates others, it may lead to issues such as resentment due to a lack of fairness, clashes in personalities, unresolved familial disputes, and perhaps an elevated risk of abuse.¹¹

2. **Political-Economic Theory:** According to this notion, older individuals experience a progressive process of marginalization from both their family and society as they age. Consequently, they relinquish their position and become reliant on others. According to this perspective, modifying the responsibilities and decreasing the authority and autonomy of older individuals results in elder abuse.¹²
3. **Psychopathology of The Caregiver Theory:** This theory examines the impact of a caregiver who has a mental health issue on the elderly, and how it might make them vulnerable to abuse. According to this idea, the behavioural characteristics of those who abuse others are implicated in cases of elder abuse. This idea posits that the caregiver's extreme weariness and stress contribute to the creation of an environment conducive to abuse. Personal issues faced by caregivers might result in instances of elder abuse.¹³
4. **Role Accumulation Theory:** This theory suggests that grown-ups might be mistreated by their families. It states that family members cannot cope with the stress of life because of clashing responsibilities and obligations hence get into the habit of practicing elder abuse as a mechanism to counter this stress.¹⁴
5. **Situational Theory:** It is one of the first and most well acknowledged theories on elder abuse. This idea focuses on the impact of stress and the burden of caregiving on the occurrence of abuse. The caregiver's overwhelming burden and lack of suitability for this position make him vulnerable to a setting conducive to elder abuse. The stress that the caregiver faces have a direct impact on mistreating the elderly.¹⁵

¹¹ Fardaneh Gholipur, Zahra Khalili and Mehdi Abbasian, "Definitions and Theories of Elder Abuse," 6, *Elderly Health Journal*, 140-145, (2020)

¹² *Id*

¹³ Yadollah Momtaz, Tengku Hamid and Rahimah Ibrahim, "Theories and measures of Elder Abuse," 13, *Psychogeriatrics*, 182-188, (2013)

¹⁴ *Id*

¹⁵ *Id*

6. Social Learning Theory: This is also known as the intergenerational theory, which simply means that an individual who has encountered violent behaviour in their younger age, is more prone towards violence in the later part of their adulthood. People acquire knowledge about appropriate social behaviour by the adoption of this attitude in their interactions with others. This attitude pertains to the influence of family and peers in engaging in acts of violence. Bandura said that the majority of human actions are acquired via the act of observing and imitating others . Akers and Jennings highlighted the significance of learning deviant behaviour through reinforcement processes, specifically through encouragement and punishment. They argued that the continuation or cessation of such behaviour is contingent upon the presence of encouragement or punishment. In essence, deviant behaviours persist due to the influence of encouragement, which is acquired through social interactions, similar to other social behaviours. According to learning theory, individuals acquire violent behaviours via observation. If these actions are not met with punishment, or if they are supported, they will persist and develop further. For instance, if a young boy witnesses his father engaging in domestic violence against his mother, it is more probable that he would be more inclined to engage in similar abusive behaviour towards his future spouse. Hence, the acquisition of violent behaviour is a result of exposure to societal norms and ideas on gender roles, and its perpetuation might occur in the absence of suitable consequences . Moreover, Bandura claimed that aggression is acquired via explicit circumstances such as punishment and reinforcement, as well as through observations. From this standpoint, social learning mostly arises from the formation of experiences via partial learning and the observation of another individual's conduct and its outcomes.¹⁶

7. Symbolic Interaction Theory: Given this mindset, interacting with things and others, and participating in an event might have several interpretations for the mind. The individual uses these interpretations to engage in communication with others. The connection between humans and themselves, as well as with others, is a reflection of the symbol that each person has in their mind. Language and cognition are essential for the interpretation of persons, things, and events. Without these intellectual and linguistic abilities, there would be no feeling of presence in society and among individuals. A

¹⁶ *Supra note* 12 at 6

fundamental principle of symbolic interaction theory is the role of 'meanings' in shaping interpersonal connections. If the members of a family fail to correctly understand the significance of someone else's actions, the resulting negative emotions will persist inside them and resurface when they interact with that other again. For instance, the old individuals see the tiredness resulting from their caregiver as a sign of their discontent with the care they get, whereas the caregiver blames the elder's displeasure to their lack of thanks. Persisting in this pattern will result in the mistreatment of older individuals. According to this idea, elder abuse occurs between the old individual and the person responsible for their care.¹⁷

ELDER ABUSE IN INDIA

Despite India's aging population, old age has never posed a challenge in the country due to the enduring joint family structure that emphasizes reverence for the elderly. Nevertheless, our society is now undergoing a transitional phase during which the treasured ideals are gradually diminishing. The societal changes in India have caused the breakdown of the traditional joint family structure, leading to the abandonment of elderly individuals. The evolution of lifestyles and the generation gap, which result in feelings of loneliness and insecurity, have given rise to the occurrence of elder abuse.

In India, the social workers from different institutions that handle abuse cases implement strict regulations in the guise of discipline or mandated protective care. This results in the exploitation of the elderly population's reliance, and is worsened by a deficiency in management that is properly educated. In India, individuals seek admission to institutions when they lack familial support to attend to their needs. Certain older individuals refuse to seek assistance from organizations that address elder abuse due to their reluctance and desire to prevent societal intervention, as they see it as only a family issue. Despite the inadequate treatment from their caretakers, many are reluctant to leave their homes and reside in these facilities. The presence of poverty and the disintegration of communal economic structures in Indian culture contribute to a state of dependence, when the old rely on their family members for care. However, this reliance often leads to caregivers being hesitant to provide financial assistance, which in turn may result in the abuse of the elderly. Furthermore, in some instances, the caretakers may rely on the elderly for financial support, leading to instances of

¹⁷ *Supra note 14* at 6

financial abuse. They provide financial assistance to their family members utilizing the money they get from their pensions. However, it is important to note that having an income may also contribute to elder abuse. Specifically, those with little income are more vulnerable to neglect, while those with moderate earnings have a higher chance of experiencing psychological and/or physical abuse.¹⁸

At present the population of our country, has a longer life expectancy than before. However, several bodily diseases such as arthritis, diabetes, cholesterol, mental illness puts a lot of burden on the care takers that aggravates the existing conditions. Additionally, a significant factor that increases the risk is the severe lack of proficient nursing institutions and community-based long-term care services for those of Indian descent. In the era of migration, where every other individual is migrating from their small towns to city life in pursuit of a better life, it makes it challenging for them to take up the responsibility of the elder family members. Driven by their aspirations, the more ambitious young individuals relocate, while those who are less flexible remain in their current location. They experience maltreatment, loneliness, and a heightened economic strain which leads to financial abuse. In 2011, Age India conducted research in twelve major cities in India, which documented several instances of elder abuse. According to the data, verbal abuse is reported by 60% of the elderly, physical abuse by 48%, emotional abuse by 37%, and economic abuse by 35%. Additionally, 20% of the elderly feel ignored by both their families and society. It is crucial to counterbalance these negative factors in order to have a dignified and balanced existence. Young people must acknowledge that they too will experience old age and will eventually rely on others for their welfare. This realization may lead the younger generation, who act as caregivers, to treat the senior population with more compassion and enable the elderly to live their lives with dignity and value.¹⁹

LEGAL SAFEGUARDS TO ELDERLY PEOPLE IN INDIA

Once one comprehends the notion of elder abuse, including its many types and the challenges experienced by older individuals, it becomes crucial to familiarize oneself with the legal

¹⁸ Priya Maurya, Aparajita Chattopadhyay, Smitha Rao and Palak Sharma, "Understanding Elder Abuse in India: Contributing Factors and Policy Suggestions," *Journal of Population Ageing*, 1-28, (2022)

¹⁹ *Id*

framework established to protect them. The Directive Principles of State Policy as enshrined under Part IV of the Constitution, protects the rights of the elder population.

The following measures are in place to ensure the protection of the elderly:

- **Directive Principles of State Policy**

As, per Article 38(1) the State is responsible for working towards enhancing the well-being of its citizens by establishing and supporting a system that upholds principles of economic and political equity as core values guiding all national institutions. It also outlines that the State should strive to reduce inequalities in status, resources, and opportunities.²⁰

In accordance with Article 39(e) it is imperative for the State to protect the well-being and rights of workers including men, women, and young individuals from exploitation. Moreover, individuals should not be pressured into pursuing occupations that do not align with their abilities due to constraints. To achieve these goals the State provides pensions as support to employees to enable them to live a dignified life.²¹

Article 41 mandates that the government must ensure access to work opportunities, education, and public aid, for those experiencing unemployment, aging issues, illness, disability, or poverty while considering the country's capabilities and development progress.²²

- **Hindu Adoption And Maintenance Act, 1956**

The law allows older people to ask their children for assistance. It also states that individuals must take care of their parents if they cannot support themselves. This policy is specifically applicable to the Hindus. However, a similar policy can be observed by other religion.²³

- **The Code of Criminal Procedure, 1973**

It outlines provisions under Section 125 where financial aid is extended to parents and wives— encompassing short-term support for elderly parents, thereby securing their monetary needs. For one to qualify for maintenance according to this law, it is mandatory

²⁰ The Directive Principles of State Policy (Art. 38(1))

²¹ *Id* (Art. 39 (e))

²² *Id* (Art. 41)

²³ The Hindu Adoption and Maintenance Act, 1956 (Act No 78 of 1956), s. 20

to furnish proof on parental malpractice and show want of pecuniary ability to live independently.²⁴

- **The Maintenance And Welfare of Parents Act, 2007**

Prior to 2007, there was a lack of specific or distinct laws that only focused on the challenges experienced by older individuals. The main purpose of this legislation is to ensure that the children or other heirs to the elderly person provides them with sufficient financial support. Moreover, the State governments should take the initiative of creating old age homes in each district.²⁵

- **National Policy for Older Persons, 1999**

This Policy was planned by the Ministry of Social Justice and Empowerment with the single objective of improving the living condition of the elderly population of the country. The programme has been introduced and giving effect to it in terms of Article 41 of the Constitution. The Constitution enjoins upon the State to secure to the elderly people, a social order in which justice speaks through all its institutions, administrative and social. The Policy strives to give the elderly population a feeling of assurance that their problems will be heard and they will not be a victim of their situation. It vows that they will have an honourable place in society, living their life with dignity. The National Policy States that the state must undertake to provide economic security for the aged, availability of medical care and necessities of life, in terms of minimum needs of food, shelter and clothing, security against abuse and exploitation, opportunities for their personal development and participation in various meaningful activities and for providing services for the enhancement and improvement of their living conditions.²⁶

- **Indira Gandhi National Old Age Pension Scheme**

As a part of the National Social Assistance Programme, this scheme was introduced in 2007 by the Ministry of Rural Development in India in 2007. The Scheme marked a pathbreaking initiative in providing the elderly members of a BPL family, a monthly pension of Rs. 200 to individuals aged 60 and above and Rs. 500 to elders aged 80 years and above. Maharashtra

²⁴ The Code of Criminal Procedure, 1973 (Act No 2 of 1974), s. 125

²⁵ The Maintenance and Welfare of Parents Act, 2007 (Act No 56 of 2007)

²⁶ Press Information Bureau, Ministry of Social Justice and Empowerment, Government of India, National Policy for Older Persons, available at <https://pib.gov.in/newsite/PrintRelease> (last visited on 20th May, 2024)

State Government, through Shraavanbal Seva Rajya Nivruttivetan Yojana, offers a sum of Rs. 400 to the aged persons.²⁷

- **National Programme for the Health Care for the Elderly**

This was a symbol of the dedication of the Government to stand by the principles laid down in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), National Policy on Older Person (NPOP) and The Maintenance and Welfare of Parents Act, 2007. The program aims to provide preventive, curative, and rehabilitative services to aged individuals within the country's health care delivery system at various levels.²⁸

- **A Central Sector Scheme to improve the quality of life of the Senior Citizens**

It aims to improve the quality of life for the aged persons. It is by providing basic needs which include housing, food, health care and recreational opportunities. The system also aims at promoting productive and active aging through support of development programs of State/Union Territory Governments, Non-Governmental Organizations (NGOs), Panchayati Raj Institutions (PRIs), local bodies and the community at large. The revision took place in 2018 with the primary objective being welfare enhancement for elderly people — this strategy was supposed to facilitate different programs towards older citizens getting their basic needs that include adequate healthcare.²⁹

- **Pradhan Mantri Vaya Vandana Yojana (PMVVY)**

LIC manages this yojana and makes 10 years pension available to individuals who are 60 years or more. As a result of this scheme, the elder person gets a fixed annual return of 7.4%³⁰

- **Senior Citizens Saving Scheme (SCSS)**

²⁷ National Social Assistance Program, IGNOPAS, available at <https://nsap.nic.in/circular> (last visited on 21st May, 2024)

²⁸ NPHCE, available at <https://www.istm.gov.in/uploads/tenders/1608195524NPHCE.pdf> (last visited on 21st May, 2024)

²⁹ Ministry of Social Justice and Empowerment, Govt. of India, Integrated Programme for Senior Citizens, available at <https://socialjustice.gov.in/> (last visited on 22nd May, 2024)

³⁰ PMVVY, available at <https://licindia.in/hi/pradhan-mantri-vaya-vandana-yojana-plan-no.-856-uin-512g336v01-> (last visited on 22nd May 2024)

It is a saving scheme introduced by the Govt. especially for the aged person, wherein they can get an interest of around 7.4% a year for a continuous period of 5 years, that may be extended to 3 years more.³¹

- **Varishtha Pension Bima Yojana (VPBY)**

LIC governs this scheme, by virtue of which the elder person can make an initial investment or submit a membership fee and based on this, they will get a fixed pension amount.³²

- **Annapurna Scheme**

Elder persons who are not receiving any pension under the National Pension Scheme are eligible to get 10 kg of food grains every month for free.³³

- **Ayushman Bharat- Pradhan Mantri Jan Arogya Yojana**

Under this scheme, a health care policy is available that provides up to Rs. 5 lakhs hospitalization cost for the elder individual and their family members.³⁴

F: JUDICIAL RESPONSE

Santosh Surendra Patil Vs. Surendra Narasgopnda Patil³⁵

The Court determined that it is the legal obligation to provide care to the parents. The Court also instructed the State Government to assume the role of guardians for elderly citizens who are physically weak due to old age.

³¹ SCSS, available at <https://cleartax.in/s/senior-citizen-savings-scheme> (last visited on 22nd May, 2024)

³² VPBY, available at <https://licindia.in/hi/lic-s-varishtha-pension-bima-yojana-plan-no.-828-uin-no.-512g291v01-1> (last visited on 22nd May, 2024)

³³ Annapurna Scheme, available at <https://mahafood.gov.in/website/english/PDS2.aspx> (last visited on 22nd May, 2024)

³⁴ Ayushman Bharat- Pradhan Mantri Jan Arogya Yojana, available at <https://ayushmanbharat.mp.gov.in/> (last visited on 22nd May 2024)

³⁵ Writ Petition No 1791 of 2016, decided on 23rd June, 2017, Bombay High Court

Vijaya Manohar Arbat Vs. Kashi Rao Rajaram Sawai and Anr.³⁶

The Supreme Court correctly noted that a financially independent married daughter has the obligation to offer financial support to a father or mother who lacks a male child. Furthermore, the stepmother has an equal right to get maintenance just like the father.

Jharkhand Senior Citizen Advocates Service Sansthan and Another Vs. State of Jharkhand³⁷

The High Court of Jharkhand has ordered the State Government to establish Old Age Homes in every district. Additionally, the court has instructed the state to implement separate lines at hospitals and take other measures to facilitate the medical care of old individuals.

Vinod Jain Vs. Maya Jain³⁸

This case included a conflict among a family about the provision and upkeep of elderly parents. The court found in favour of the old parents, highlighting the legal duty of offspring to provide financial assistance to their elderly parents.

Maj. S.S Kundu Vs. Delhi Development Authority³⁹

The Delhi High Court dealt with the matter of removing old individuals from government housing in this instance. The court stressed the need of being considerate towards older folks and instructed the authorities to prioritize their well-being while carrying out any eviction measures.

³⁶ AIR,1987,SC,1100

³⁷ MANU/JH/0345/2016

³⁸ 2009,10,SCC,415

³⁹ 2007,(99),DRJ,1

G: CONCLUSION AND RECOMMENDATIONS

Research portrays the distressing life events and current circumstances faced by older individuals in Indian culture. The challenges faced by the elderly arise when their essential needs for sustenance, safety, healthcare, and security are not fulfilled. The majority of them are enduring a life devoid of family support. It is necessary to establish an environment that promotes peaceful and dignified living for the elderly. This includes fostering a positive attitude towards aging across generations and ensuring that they have the freedom to live without being mistreated. Additionally, providing them with a suitable environment to enjoy their lives and engage in societal and commercial activities is crucial. India's demographic shift is nearing its last stage, which will result in an aging population that might potentially jeopardize the socio-economic structure of the nation. Addressing the difficulties posed by the fast aging of the population requires intervention from several areas, such as healthcare, education, employment, social welfare, housing, and justice. It is imperative that all programs prioritize intergenerational solidarity, particularly for those who are excluded. It is essential to develop and execute a dedicated social security program for all elderly individuals. In India, the absence of robust healthcare and sufficient social safety nets may lead to heightened levels of poverty and suffering. It is necessary to transition from the welfare approach to the rights-based approach. It is important to establish policies that promote the reverence, safeguarding, and realization of the rights of the elderly, allowing them to reside in tranquillity, thrive, and achieve their maximum capabilities, even during their later years of life. Currently, India houses 10% of the global population of elderly people. It is important to ensure that the elderly individuals themselves are informed about the legal rules and adopt preventive actions. It is essential to create senior citizen cells in every area, which would include of groups, governmental agencies, and non-governmental organizations dedicated to safeguarding the interests of senior citizens. It is important for helplines for the elderly to operate efficiently. Law enforcement authorities should also prioritize the safety and protection of those who live alone. It is important to enhance the inter-personal ties among family members. An expeditious, efficacious, and proficient redress process is required to guarantee a secure and contented living for senior individuals. The government is implementing interventions at several levels, such as providing old age pensions to foster

economic independence among the elderly. Several non-governmental groups also collaborate and provide assistance to elderly individuals. Nevertheless, it is incumbent upon each individual to proactively take measures in order to mitigate instances of abuse. Indeed, it is accurate to state that the government in isolation is incapable of resolving the issue. It is imperative that everyone of us makes a contribution in whatever way possible to assist the elderly.

In order to improve the situation, certain recommendations are suggested which are as follows-

1. **Strengthen the Laws:** It is important to amend and implement existing laws to take strict action against the offenders.
2. **Setting up of Fast-Track Courts:** In order to deal with elder abuse cases and ensure efficient justice, it is essential to set up fast track courts.
3. **Awareness Campaigns:** The various forms of media platforms should be utilized to create an awareness about elder abuse and its repercussions.
4. **Caring the caregivers:** One should not forget that the well being of the elders lies in the hands of the caregivers and there are times when the caregiver needs care as well. So, it is important to provide every form of support to the caregivers in order to reduce their stress or burden and to establish care giver support groups, that can be a good platform for them to share their stress and issues.
5. **Establish helpline and support centres:** Abuse, is not always physical, it has various forms. Helpline centres should be set up for reporting elder abuse or providing counselling to the victims. In situations, where the elder is a victim of financial abuse, there should be a system to provide him legal assistance in managing their financial affairs.

- 6. NOGs and collaborations:** Individuals should come forward to support NGOs that works for the cause of Elder Rights. Researches and collaborations can do done with International Organizations in order to adopt best practices and frameworks for preventing elder abuse.

By implementing this recommendation, the Nation can take a progressive step towards the eradication of elder abuse and ensuring a safer and healthier atmosphere for the elderly population of India.