

Socioeconomic Justice In The Structures Of Indian Senior Citizen Laws

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Abstract

The research topic is "Socio-Economic Justice in the Context of Legislation Relating to Senior Citizens in India," and the researcher hoped to get a conceptual knowledge of two concepts portrayed herein. The first is the idea of Socio-Economic Justice for senior people, and the second is regulation in the form of acts, policies, rules, and regulations for senior people; when the two are read together, they serve to accomplish the study's aims. Human Rights are an integral aspect of Human Dignity, and have been adequately safeguarded by multiple sections of the Indian Constitution, as well as global agreements. The Indian judiciary has repeatedly managed several social interaction concerns by stressing fundamental constitutional principles, especially Articles 14 and 21. India will celebrate its 75th anniversary in 2022, yet the goal of this legislation related to the elderly has yet to be entirely achieved.

Keywords: - Socio-Economic Justice, Human Dignity, Indian Constitution, senior Citizens.

"In some situations, the right to labour, to education, and to public support. Within the limitations of its economic ability and growth, the State should make adequate provisions for safeguarding the right to labour, to education, and to public assistance in circumstances of unemployment, old age, disease, and disablement, as well as in other cases of unjustified lack."

1. INTRODUCTION

A man's life is divided into seven stages: infancy, schoolboy, adolescent, young man, middle age, old age, dotage, and death. The joint family structure is governed by the Mitakshara School of Hindu Law, which is led by Karta, who controls the power of decision making in the family, and children are obligated to respect and maintain the old.

According to the idea of pious responsibility, sons, grandsons, and great-grandsons were expected to pay off their father's "debt," as failure to do so was deemed an unlawful act. However, due to major changes in the contemporary world, migration, working spouses, and smaller families, the entire socioeconomic value structure has shifted, resulting in the abandonment, neglect, and abuse of the elderly.

The aging population is growing at an alarming rate over the world. In 1990, one percent of the world population was 65 or older.

In 1950, the United Nations estimated that there were almost 200 million people in the globe who were 60 or older. It was predicted that by 1975, this figure would have risen to about 150 million, with a total of 1100 million by 2025, representing a 224 percent growth since 1975.

Until 2009, the world's entire population of 60 years and older was in developed nations, with just 8% in developing countries; however, both will climb to 33 and 20%, respectively, by 2020.

"Pitru Devo Bhava" "Mata, Pita, Guru, Dayvam" are terms that symbolize the place accorded to elders in Indian culture and tradition. Parents and instructors are regarded as second only to God in terms of respect, honour, and consideration in Indian culture.

In India, it is the responsibility of children to care for their elderly parents. Some families believe it is disgraceful to place their old parents in nursing homes since it breaches common social tradition and emotions of loyalty to seniors. This characteristic keeps many elderly people out of nursing facilities.

There are parents whose children work full-time and have no financial problems, but they miss their children living apart from them. On the other side, there are children who cannot support their parents owing to financial constraints, and older folks who work and labour to meet their basic needs.

As a result, social insurance systems such as social security, Medicare, unemployment insurance, and pension schemes come into play, providing monies to families to assist the elderly with health care.

1.1 Historical Background

Laws pertaining to the upkeep and well-being of elderly persons brought about a shift in the "social milieu," with the Constituent Assembly's goal of providing for the maintenance and welfare of elderly persons. A change might be either obvious or latent, visible or sensed, and it can be either swift or slow. There are several components involved in the process of change that results in social transformation.

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The fundamental law of the land in India contains a balance between continuity and change. Prior to 2007, there was no unique legislation pertaining to elderly persons' rights and dignity other than individual statutes, the Hindu Adoption and Maintenance Act of 1956, and the Code of Court Procedure of 1973.

2. SENIOR CITIZENS LAWS IN INDIA

It is our job to look after our elderly. Intergenerational equality is a natural justice idea. A generation that neglects its elders and the elderly commits crime and will meet the same fate in their senior years. Ageing is a natural phenomenon that happens throughout the human life cycle.

It comes with it a slew of obstacles in the lives of the elderly, most of which are caused by changes in their body, intellect, and mental process. Ageing is defined as a loss in the functional capability of the human body's organs caused mostly by physiological change. Senior folks are a valuable pool of human resources endowed with numerous types of knowledge, diverse experiences, and profound insights.

Even though they have legally retired, the vast majority of them are physically and psychologically capable of contributing to society's well-being. As a result, given the right chance, individuals may make a big contribution to their country's socioeconomic progress.

2.1 Rowing Population

By 2025, the world's old population will outnumber young people, and it will surpass two billion by 2050. In India, the number of elderly people has grown from almost 2 crores in 1951 to 7.2 crores in 2001. In other words, around 8% of the overall population is above the age of 60. By 2025, the figure will have surpassed 18%.

The following are some of the issues that the elderly face

1. Economic concerns include issues such as job loss, income uncertainty, and financial insecurity.
2. Physical and physiological issues include health and medical issues, dietary deficiencies, and the lack of sufficient shelter, among others.
3. Psychosocial difficulties include issues relating to their psychological and social maladjustment, as well as elder abuse, among other things.

2.2 Objectives of the Study

To investigate the meaning and philosophical basis of "Socio-Economic Justice" and the notion of social security in the context of Senior Citizens in India.

3. LITERATURE REVIEW

"When we discuss social justice in the Indian context, we must emphasize its humane dynamics. We must separate the wheat from the chaff, as well as hierarchical justice from egalitarian justice. We must see through the doctrine of classification's emasculation of equality and the exclusion of steps toward equality from the concept of equality as devices for preserving the hierarchical status quo against the philosophical assault of militant equality, fragmenting faith with the early hours trust."

(Krishna Iyer V.R., 2019)

The term gerontology is derived from the Greek words "geras" (old age) and "logos" (study of the topic). The phrase incorporates socioeconomic, psychological, and physiological elements of old life. There are three types: the old, the aged, and the aging.

(Sobha and M.S.N. Reddy, 2006)

Mobilizing "Senior Citizens for their Own Cause," M.G. Athavale, in A.K. Kapoor and Satwanti Kapoor, eds., India's Elderly: An Interdisciplinary Dimension, 319 (Mutual Publication, New Delhi, 2004).

(J.P. Yadav, 2004)

Kautilya has specified some responsibilities that must be met by all ashrams. Ahimsa (nonviolence), sat yam (truth), cleanliness, freedom from malice, compassion, and tolerance are among them. In India, elderly people are referred to as "vridha," and they are further classified into four groups. These are tape vridha (advanced in penance), kala vridha (advanced in age), jnana vridha (advanced in wisdom), and dhana vridha (advanced in riches).

(Susan A. McDaniel, 2008)

Besides, a number of terms and nomenclature like, ageing, elderly, senior citizens, and old people are currently in practice in the study of ageing. Seniority is merely a subgroup of societies to make themselves convenient in carving out or extending certain facilities to senior class, otherwise ageing is a blanket term which includes all age groups not only elderly. Chronological age as a criterion has often been criticized on the ground that it poorly represents biological, physiological or psychological dimension in sociological perspectives, ageing is less preferred to be determined as reaching a certain age than it is by change in the relationship of the elderly with the social institutions.

(A.R.N. Srivastava, 2006)

"In India, the elderly stage basically correlates to the age group of 55-60 years and older. This is a critical period in one's life since a person's social duties, privileges, and expectations toward his or her near kin groupings alter

reciprocally. Demands and expectations of the elder from the younger, as well as attitudes and duties, take on new dimensions and reclaim unique importance in human relationships.

(Susan A. McDaniel, 2008)

Men and women age differently. There is a distinction to be made between being old and aging. Elders are often portrayed as being in a condition of frailty, and old age has a symbolic meaning. The age-grading system is sometimes a fundamental factor in social stratum function, and it is commonly and in the majority observable that all age changes, such as birth to youth and adulthood to maturity, are honoured in one or more forms, but not old age.

(S. Siva Raju. 2011)

The following are proposed in the paper: (a) rural elderly, (b) urban poor elderly, (c) urban middle-income well-off elderly, (d) female elderly, and (e) old living alone.

4. CHANGES IN SOCIO-DEMOGRAPHIC SYSTEMS AND SENIOR CITIZENS' ISSUES

The thesis' central objective is to examine the social and economic justice provided to older adults in India. To comprehend what may be considered socially and economically reasonable for older citizens in the current environment, it is vital to first understand senior persons' situation in India. This is when the current chapter comes into play.

4.1 Improved TFR and Health Facilities Lead to Increased Life Expectancy

The total fertility rate (TFR) is the average number of babies a woman will have throughout her lifetime. TFR is directly accountable for the deepening of demographic shifts caused by ageing. It is defined by the UNFPA as:

“The general fertility rate is the mean amount of births that a woman would have if present fertility rates for her age group stayed constant throughout her reproductive years (usually between her ages of 15 and 49). The present-day total fertility rate is a measure of fertility at an exact moment in time.”

Table 1 Life expectancy improvement in India

Year	Urban	Male	Female	Rural	Total
1970-75	49.7	50.5	49	48	58.9
1976-80	52.3	52.3	52.3	51	60.1
1981-85	55.4	55.5	55.7	53.7	62.8
1990-95	60.3	59.7	60.9	58.9	65.9
2000-05	64.3	63.1	65.6	63	68.6
2011-15	68.3	66.9	70	67.1	72.9

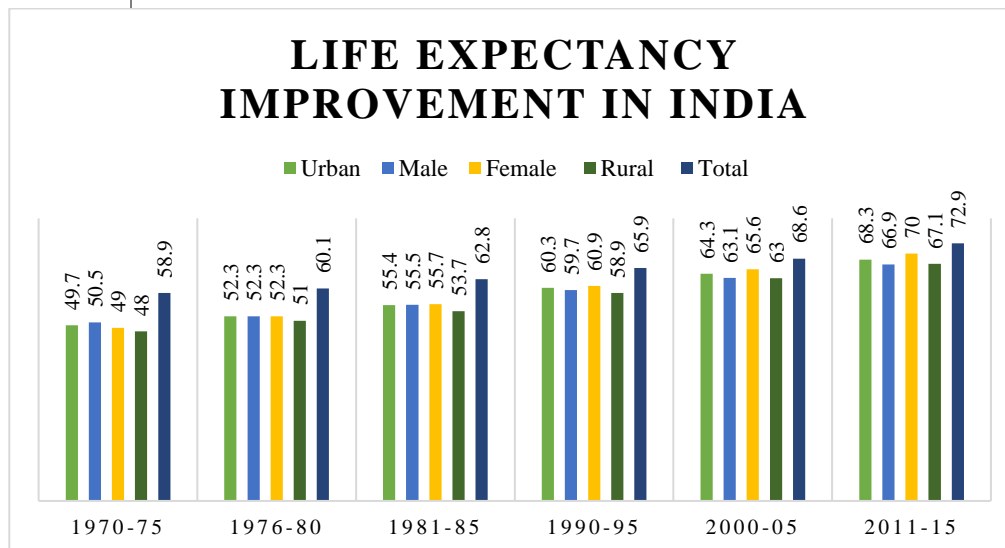


Fig. 1 Life expectancy improvement in India

The situation in India is even more concerning; according to the 2011 Census, the total number of elderly folks is 10.38 crores. This amounted to 8.27 percent of the total population. 5.11 crores men and 5.27 crores females make up 8.20 and 8.97 percent of the total population, respectively.

Table 2 Percentage of 60's plus of its total population

<i>States</i>	<i>Percentage of 60's plus of its total population</i>
Kerala	12.6
Goa	11.2
Tamil Nadu	10.4
Punjab	10.3
Himachal Pradesh	10.2
Maharashtra	9.9
Andhra Pradesh	9.8

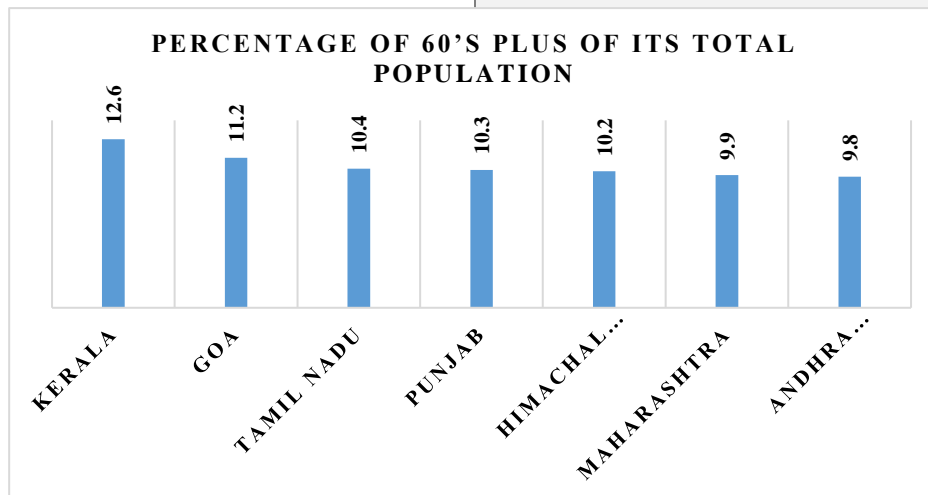


Fig 2 Percentage of 60's plus of its total population

The following states have performed better in terms of health-care facilities. They have a lower death rate and stronger infrastructure.

4.2 A growing percentage of older persons' families

In India, the parent assistance ratio is novel. Because of increased lifespan, this is a fresh worry. Parent support ratio is the ratio in which elderly people (those aged sixty or more) are responsible for caring for their living parents as well.

Table 3 Senior citizen's parents support ratio

<i>Year</i>	<i>2001</i>	<i>2006</i>	<i>2011</i>	<i>2016</i>	<i>2021</i>	<i>2026</i>	<i>2031</i>
Percent	5.6%	2.66%	4.36%	2.64%	5.6%	2.4%	22.9%

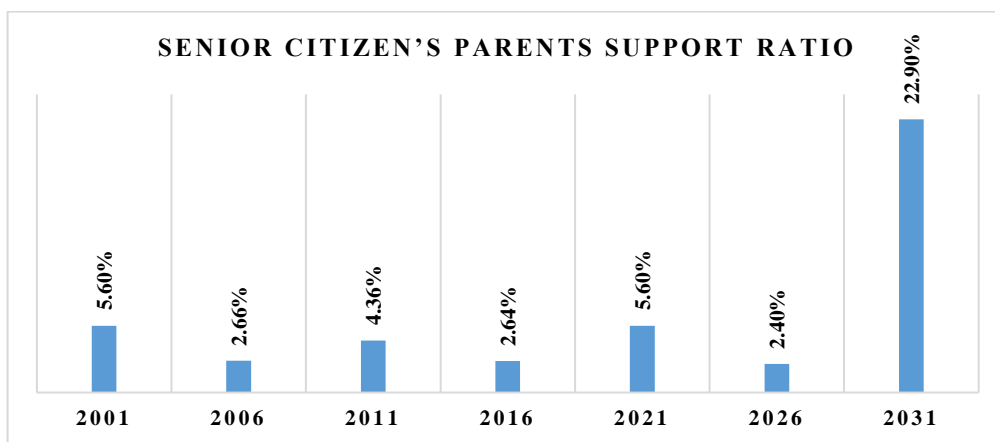


Fig 4 Senior citizen's parents support ratio

4.3 Crimes against Senior Citizens Are Increasing

Senior citizen crimes have arisen as a major concern for security officers. Because NCRB only collects statistics for older individuals under a separate chapter "Crimes against Senior Citizens" from 2014, the data presented in the bar is only from 2014. Prior to this, offenses involving this class of individuals were typically covered.

Fig 4 Crimes against citizens

Year	Cheating	Theft	Robbery	Murder	Grievous hurts	Total
2004	1576	1867	1947	2017	1799	9206
2015				3265	4390	7655
2016	1184	1294	1024	9559	848	13909
2017	1115	1053	1055	983	971	5177
2018	1069	949	920	826	962	4726

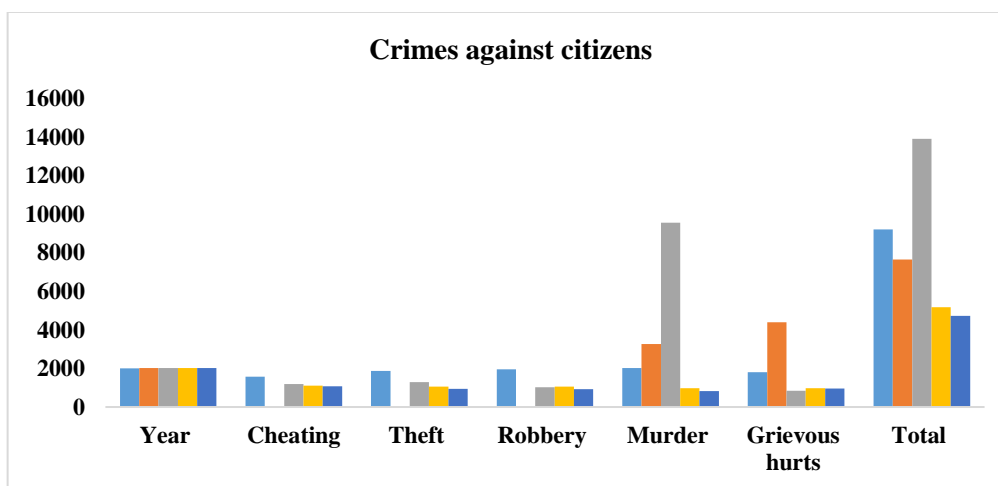


Fig 4 Crimes against citizens

5. NATIONAL LEGAL SYSTEM FOR SENIOR CITIZENS' PROTECTION AND WELFARE

The researcher reviewed the current international legislative framework for the care and protection of elderly people's interests in the preceding chapter. According to the preceding debate, the international legal system is quite progressive and broad enough for effectively addressing existing and prospective worries with elderly persons. The researcher critically examines the national legal structure in this paper.

The Idea of The term socioeconomic Justice and Senior Citizens' Position in the United States Constitution -

"The Constitution is important because it offers an outline for our political system. Politics, not the Constitution, is the ultimate, and sometimes only, source of any safeguards we have for our basic liberties."

(Mark Tushnet, 2011)

The judicial branch, with its inventive brilliance and imaginative devotion to the establishing creed of our democratized, secular, political Republic, must interpret, apply, and enforce the law in such large leaps that the court becomes a sanctuary of hope for a wide range of handicapped and victimized people. The value revolutionary envisaged by the United States Constitution is the innovative forensic contribution it is attempting to make in order for the lowest, the lost, and the last to experience equal justice under the law.

(V.R. Krishna Iyer, 2019)

"Given the previous decisions of this Court, there is little question that the right to live with dignity is now, in effect, a component of the right to life enshrined in Article 21 of the Constitution? Such a right is made useless if an elderly person lacks the financial resources to meet his fundamental needs and must rely on others to do so. In this context, the petitioner argued that all old people should be awarded suitable pensions so that they can live with dignity."

(Dr. Ashwini Kumar, 2016)

"The whole Constitution is woven around the aims expressed in the preamble. When in question, the preamble serves as the basis of interpretation for the Constitution. Parts III and IV of the Constitution have been divided into justiciable and justifiable sections, each with its own set of grounds."

(P.K. Tripathi, 1981)

6. CONCLUSION

The sanctity of all laws is derived from the Constitution. When discussing the national legal framework, it covers all other laws as well as the primary legislation pertaining to elderly persons. Article 37 of the Constitution declares that directive principles of state policy are not justiciable. Senior folks serve as social anchors. If issues encountered by older adults in India have not been a major worry, credit goes to the principles that a family structure upholds and its members are tied to one another.

If we truly want to address the difficulties of old age in India, the focus should be on the family. Family values remain intact, but population growth is bringing economic restrictions that force the breadwinner to prioritize children as the future rather than parents.

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