

Viewpoint

Is it necessary for the Government to legislate for responsibility of care for the elderly being assigned to the children and should it be enforced, or should the government take responsibility on itself ?

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Senior Support and Citizen Concerns

Life began on earth to abound. The birth of a child is the most magnificent miracle of life witnessed by his or her parents. And a child's vulnerability is often supported by the concerned parents reaching out to attend to his or her every need. But as humans evolved and started harnessing the potential of their mind to first create necessities for life and move on to conceptualizing luxuries, the focus in families shifted from communities to individuals. Thus dawned the age of nuclear families! It resulted in strained relations, severing the bonds between the young and old.

Western countries have accepted living independently away from their parents as a norm once they are adults. But eastern countries like India continue living together. This has changed over the past few decades though. Joint families living together are normal in rural areas and small cities. But larger cities have followed suit influenced by western influence. Couples don't want to live with parents. In fact, most women looking for marriage prospects consider having a separate house as criteria for compatibility. In such situations, the parents who have nurtured a life for more than 20-25 years at times end up living separately. And when their health deteriorates and they hope for support from their children, they experience another cycle of trauma.

Government's role

In such situations, the government has come up with laws and guidelines for senior citizen support. And considering the population of senior citizens in India is around 149 million as per reports in 2022, it is essential to cater to their needs. Article 41 in the Constitution of India mandates the well-being of senior citizens. The Indian Government came up with The National Policy on Older Persons in the year 1999 to draft a plan in this direction. This paved the way for a formal bill in this regard. The first one was the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which was improvised later as Amendments proposed by the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019.

The 2019 Bill has broadened the purview of relations, maintenance and welfare through its definitions compared to the 2007 Act. With the increasing complexities in family relations considering the culture of polygamy on the rise, this is necessary. The responsibility of an aging or ailing senior citizen does not limit to immediate family members but also to those entitled to the concerned person's property and possessions posthumously. While the government has provisions to claim rightful help from the family through this bill, the amendment has permitted children to appeal decisions made by the tribunal.

There are provisions made to ensure that senior citizens incapable of independent living receive monetary as well as basic aid to live a dignified life. Fines and punishment have also been stated to ensure that the concerned person doesn't drift into laxity regarding their responsibility of caring

for the elderly. However, a fine of Rupees Five Thousand or Rupees Ten Thousand with a small term of imprisonment is less likely to induce a sense of commitment among caretakers or providers of the elderly. And besides, the paperwork, cost and time involved in filing a case are enough reasons to discourage the elderly from appealing to the tribunal.

Besides, the children who have migrated out of the country are often disconnected from their parents living here. While people may express their love and concern for family members living in another country through social media, the fact is that physical distance also leads to emotional distance among children and parents. And legislation cannot do enough to bridge this gap. The reasonable solution most adults would vouch for is having old age homes and day care facilities for senior citizens set up by the government. Whether living in the same city or away due to better life prospects, most individuals find it difficult to make the time to look after their parents or an elderly family member. The sacrifices made by elders in nurturing them in their childhood is often forgotten in the bid to live life on one's terms. Most parents have an innate nature of sacrificing their own comforts and hoping the best for their children at the cost of the pain of loneliness and abandonment.

Setting up an old age home is not easy. While the Government may provide land and the necessary sanctions for building it, they cannot fund the initiatives without chalking down policies to sustain them. Just like there are policies to provide free basic education to children, the government needs to ensure they provide social security to senior citizens of their country. And rightly, these concerns are addressed in the National Policy of Senior Citizens 2011 besides the brief mention in the act and bill.

Some notable considerations of The National Policy of Senior Citizens 2011

1. It mandates that States will set up homes with assisted living facilities for abandoned senior citizens in every district of the country and there will be adequate budgetary support.
2. It orders giving tax incentives to the people involved in caring for the elderly, which is an out-of-the-box approach to ensure the well-being of senior citizens.
3. Another provision chalked under this policy includes earmarking 10% of schemes for housing in planned cities and rural areas to cater to lower income groups.
4. Eligibility to senior citizens who are single women, widows and the elderly to all government schemes on priority through Aadhar identity.

The government has already put in place many plans and schemes to support the elderly. Subsidies are provided for medical needs, commuting concessions, income tax rebates and banking investments for senior citizens through the Ministry of Social Justice and Empowerment scheme in India. Still, the country has a long way to go with regards to creating and sustaining better provisions for senior citizens, especially of lower income groups.

Western considerations

There are many western countries that have already taken steps towards providing social security for their citizens. And caring for their seniors does not limit the provision of necessities of shelter, clothing, food and medication but also to designing activities that attend to their mental and social well-being through recreational centers and spaces. There are laws to protect senior citizens from any form of abuse.

The Singapore's Homes for the Aged Act ensures that senior citizens not just receive proper medical support but have living spaces with proper housekeeping facilities that help maintain a healthy and safe environment for its inmates. An orderly environment can help foster better health and well-being of the senior citizens living in it.

There are many guidelines in the Vietnam's Ordinance on Elderly People that are planned to provide adequate support to the elderly not just with their basic needs but also for recreational purposes. Besides, the consent of the senior citizens is sought while arranging facilities to safeguard their well-being when the responsible family members are not able to provide the required personal attention themselves. Young adults are also sensitized to foster loving bonds with their parents and elders that will motivate them to support them in later years.

The constitution of Senegal encouraged participation of local authorities and neighbors in building a more conducive environment for their senior citizens. The Indian government also needs to consider including similar guidelines. Indian culture has exhibited respect for guests through the phrases *Atithi Devo Bhava*. And undoubtedly these values still exist both in rural and urban localities where an empathetic soul would reach out to a person in need even if a majority of the crowd may turn a blind eye to the situation. Providing minor incentives or small gestures of gratitude is all it takes to motivate a person to reach out to a senior citizen in need. This in turn will also build the nation.

Challenges to be addressed

It is good that the government is adopting international policies that cater to senior citizens very comprehensively. But unfortunately, the government is not able to cater to the entire population of senior citizens in the country which is very vast.

It is evident that the Constitution, Act and Bill are merely on paper, and its implementation has yet to be accomplished to benefit a major part of the senior population in our country. Though efforts are made to provide medical care at subsidized rates, it doesn't help if not provided in time with the support of proper diagnosis. And it is unfortunate that the privatization and commercialization of hospitals has driven doctors to treat their profession more as a business than a service for the betterment of humanity.

A pilot study done and published in the Citizen's Right Protection Council website reveals that 70% of senior citizens living in cities are availing some form of medical treatment. The monetary burden ranges between Rs. 3- 200 per day for the lower to mid income groups. Poor palliative treatment leads to a waste of this money. Thus, people don't just suffer due to financial constraints but improper medical support.

Besides medical needs, every individual must deal with the stress of existing. It is not easy to maintain good and cordial relations with everyone around because of the emotional deprivations people must deal with through life. And this continues till the end of life. Senior citizens are greatly affected by this when they become completely dependent on their children or family members for support due to lack of finance or being blackmailed or cheated into parting from their property and savings in the hope of being supported by their heirs. To add to this, society also has to deal with the menace of goons who rob the defenseless seniors of their land and property. Though the police are trained to be vigilant to the needs and concerns of the senior citizens, they too face challenges to keep up with this calling.

Senior citizens who continue to work beyond the standard age of retirement generally are in better control of their lives than those who choose to retire as per society's standards. Women who post marriage live as housewives also end up being dependent on other family members for their sustenance. The same goes will people having complications with their health and those with declining memory. Though there are pension schemes created by the government, this does not cater to all those in need. More people need to be employed by surveying senior citizens and giving them access to these schemes.

There is a section of the society that has been born and lived on Indian soil for more than 60 years and yet denied citizenship in the country. There are other discriminations made against senior citizens based on their religion, caste and migration history which may even be illegal, thwarting access to the facilities and schemes chalked by the government for the betterment of the elderly living in this society.

Though India is a secular country, and the constitution supports many rights for the welfare of its citizens, the reality is quite different. The government first needs to address concerns related to citizenship of the people living in the country and then make provisions to care for the senior citizens. Only then can the legislation made by the government through the different Acts and Bills be implemented effectively.

Another India

The diversity of India is not limited to the languages, cultures and representation of different ethnic groups. It also has communities where senior citizens living in villages have an active life with

health, vitality and determination to live independently earning their own livelihood. These senior citizens are role models and can motivate others to take control of their lives without the dependence on family members or the government for support.

A healthy body supports a healthy mind and outlook on life. And this can be achieved by educating citizens from a young age to choose a healthy lifestyle. It's not just a balanced diet and exercise that are the pre-requisites for living a good life. Meditation, relaxation, nurturing good relations with those around and limiting consumption of social media and entertainment are also important considerations. Medical advancements have promoted longevity of life but decreased its quality. Therefore, to build a healthy nation and society, the government must design initiatives to promote ethical values in the education curriculum along with sensitizing adults towards adopting better choices for their life.

Old age can be a very free experience. But the government needs to collaborate with society to make this a reality for the senior citizens of this country.

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