



## Government apathy towards senior citizens and minors under law

Jagbir Singh Dahiya<sup>1</sup>, Anita Dahiya<sup>2</sup>

<sup>1</sup> Dean, School of Law, Sushant University, Erstwhile Ansal University, Gurugram, Haryana, India

<sup>2</sup> Research Scholar, Former Civil Judge, School of Law, Sushant University, Gurugram, Haryana, India

### Abstract

Although the legislators and the government have been quite regularly drafting policy papers for the welfare of the aged and minors, However, the ground level reality is quite different and the execution of the policies for the welfare of the aged and minors is left out of the piece of paper. The hypothesis of this research is that the current legislative regime of the Indian Legislative System for the care and welfare of minors and aged people is insufficient to give them a sense of security in the modern era. The current research will be discussing the problems faced by these two categories of people. In India, the aged face a range of issues, including societal, financial, emotional, medical, crime, maltreatment, and other unrelated issues. The state has utterly neglected to support those members of our country who are in need. The government has failed to provide actual protection for minors from physical violence and assault. Illegal trafficking and sale of minors for unlawful acts are the most heinous crimes committed against minors. The state and central governments have paid no attention to the alarming rise in such crimes and incidents.

**Keywords:** Loopholes, government, neglectful, hospitals

### Introduction

The current topic illustrates the problems of senior citizens, which is an inevitable process of decline in productiveness. As we are aligning more and more towards technology, liberalization, globalization, and improvement, the fatality ratio has decreased, nutritional cognizance and health centers have increased, along with their life span. When people get older, they encounter a number of concerns, including deteriorating medical issues, pension issues, money troubles, isolation, and reliance on others <sup>[1]</sup>. On the other hand, minors face various problems such as malnutrition, lack of guidance to pursue their careers, health problems, and loneliness in the case of both parents working. A study suggests that most of the problems faced by minors and the elderly are almost identical in nature. The nature of crime and abuse is reported most against these two segments of people in the society (Ahmed, 2018).

Also of importance is the role of the government in curbing the problems of the aged and minors, which needs strict deliberation. However, the government has been sluggish towards the problems of minors and senior citizens. Nonetheless, the government's attitude towards the elderly and minors has been quite neglectful in the way that it has failed to provide adequate relief and social security measures to protect these two wings of society. Although it may appear that the state has introduced a number of social programmes for the benefit of children and the senior citizens, the reality is quite different. The state and lawmakers have utterly refused to assist those who need aid (Ahmed, 2018).

### The Lag in systematic approach

This part of the paper shall be dealing with the government's apathy towards minors and the elderly. Conversely, a pension is the sole income resource for a senior citizen. It has been held in a plethora of judicial rulings that pensions are the right of a senior citizen.

Moreover, the government has denied pensions to the elderly for a long time. The livelihoods of the senior citizen have been severely impacted by the state's careless actions. As noted above, the government is responsible for the deteriorating standard of living for the elderly. The government must recognise that pensions are the elderly's rightful entitlement and should be provided to them without delay. A pension is given for the lifetime service served by an employee <sup>[2]</sup> (Asscher *et al.*, 2015)

<sup>[3]</sup> What is more, the government could not establish separate beds and queues in hospitals for the elderly. Various government schemes lay down that there should be special treatment accorded to the elderly in hospitals and other institutions <sup>[4]</sup>. Specifically, the government could not establish separate procedure or facilities for the elderly. To put it simply, it is mandatory for the legislature to establish and constitute at least one old age home in every district. But then again, there are no such old age homes constituted in each district of a state. There have been complaints of such apathy by the government, as reported by the elderly. But the response of the state government has been negative and unresponsive in nature. The role of the central government has been quite disturbing in this regard (Ahmed, 2018). To further understand the role of the Supreme Court in India, they have directed the Central Government in numerous cases to issue appropriate guidelines for the effective implementation of the welfare schemes exclusively applicable to the elderly people. However, the central government could not do so, and the state government has turned a blind eye to the elderly. As a result, the old pension, health, and insurance schemes designed for the welfare of the elderly require revision and updating in light of recent developments. But the government has not notified any changes in any of these domains for the elderly (Asscher *et al.*, 2015).

In other words, the state of the behaviour and respect of the government with respect to minors is also a major issue of

debate which requires the strict attention of the legislators and the government. Similarly, the government has not formulated policies and guidelines for the well-being and overall development of minors. Evidently, the ground level reality is quite different and diametrically opposed to all of the guidelines and policies enacted to help minors. In contrast, the government has been unsuccessful in providing actual protection for minors from physical violence and assault. A lot of cases are reported to the police where there are rampant and gross violations of minor rights. In fact, sexual assault on minors is a grey area where the government needs to formulate strict laws to punish the wrongdoers. Despite this, the government could not provide any policy that protects children or minors from illegal trafficking and abduction. The nation is in strict need of such policies and their effective implementation as per the legislative norms<sup>[5]</sup> (Govil, 2016).

In particular, the cases of illegal trafficking and sale of minors for unlawful acts are the most heinous crimes committed against minors. Hence, the state and central governments have paid no attention to the alarming rise in such crimes and incidents. The government is not concerned with the same. The government needs to understand that minors constitute 40 percent of the population in India. Therefore, safeguarding 40percent of the populace is not an issue related to basic rights but an asset in developing a powerful country<sup>[6]</sup> (Govil, 2016). The government has formulated the Right of Children to Free Compulsory Education Act, 2009, which mandates the right of education to every child. In comparison, the poor children staying in the backward areas and villages are not aware of the same, and the irony of the situation is that the government also doesn't want to do anything to educate these minors who are deprived of their educational rights. Even though the legislature has not provided adequate medical facilities to minors who are suffering from different sorts of life-threatening diseases. There is no ground-level implementation of any government scheme formulated exclusively for the minors (Govil, 2016).

### **The apathy is a regular scheme**

The legislative approach towards protecting adults and aged people has been positive. The government has developed a policy to take all possible measures to protect the rights of the elderly and minors in India. Accordingly, the Constitution of India, the Code of Criminal Procedure 1973, the Code of Civil Procedure, the Hindu Adoption and Maintenance Act 1956, and the most recent legislation, the Maintenance and Welfare of Parents and Senior Citizens 2007, and Article 38 of the Constitution, provide for the social welfare and equal opportunity and status of all in the nation. The Hindu Adoption and Maintenance Act 1956 provides for the maintenance of aged parents. Consequently, the amount of maintenance is decided as per the status, desires, and position of the claimant. The Code of Criminal Procedure provides for the maintenance of minor and aged parents. The recent amendment to the Maintenance and Welfare of Parents and Senior Citizens Act has tried to add a few provisions to strengthen the position of parents and senior citizens. The loopholes are still there as to the implementation of the provisions (Katiar, 2006).

In summary, the government could not make a specific law for the welfare of minors. The Juvenile Justice Act is in existence, but the welfare and social security provisions are

still missing in the Act. The major factor for which the government needs to deliberate is that all these acts and legislation have not been able to provide social security to the aged or minors. It is clear that the provisions are well defined in the Statue Books, but the practical implementation and execution of the same are still debatable. The lengthy procedures of the law and policies are not providing any adequate relief to the aged or minors. The agencies responsible for the maintenance of law and order, such as the police or the administration, are not able to resolve the problems of the aged and minors at ground level (Katiar, 2006).

### **The burden on family**

In an effort to address the socio-economic issues brought on by the growing indifference of children towards the aged, the Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA) was passed in 2007. The MWPSA Act is only a band-aid solution that doesn't resolve the underlying problem of senior dependency and is made worse by insufficient welfare systems. In conclusion, the Act has been abused by the government to evade its obligation to care for the elderly. Nevertheless, investments used as a substitute for monetary stability are not very significant. These populations are more susceptible since there aren't any good alternatives. Evidently, a review of the present system demonstrates that obtaining support money from relatives is fraught with difficulties. An alternative perspective is given by the petitioners, who had a hard time getting an order through a referendum that satisfied them. For a while, they got their support money, but it slowly ceased after that. In their opinion, their complaint was not considered and no decisive action was taken. Similar in importance is the dependency of the aged, which is sustained by the current, insufficient health and safety schemes. The nation's government must acknowledge its duty to care for its senior citizens. The concepts of governmental responsibility and familial respect shouldn't be incompatible; rather, they should enhance one another. To this end, the MWPSA Act only masks the symptoms; it doesn't address the underlying problem. The evidence highlights that the safety and welfare programme has to be improved in order to better support senior citizens to become financially stable. The government must first amend the appropriations for the welfare benefit programmes to achieve this. They ought to be classified to reflect the necessities of life. It is necessary to combine the several current methods and establish a responsibility to stop leakages (Policy Review, 2020).

Accordingly, the Supreme Court of India has laid down a plethora of directions and guidelines for the welfare of senior citizens and minors. The government needs to follow all such directions verbatim. Furthermore they should not deviate from such directions in any manner. Moreover, the government's strict adherence to all such directives will ensure the safety of minors and the elderly. As a consequence, the government should repeal the maintenance charge caps enshrined in statutes or other legal provisions. Any cap on the maintenance expenses to be provided to the elderly and minors should be removed, and if any cap or limitation is imposed, then that should be fixed reasonably as per the current situation. Lastly, the government must amend the policies and regulations for the welfare of the

elderly and minors. The amendments should take place at regular intervals of time to ensure the safety and security of these two sections of society (Kourkotta, 2018).

### Conclusion

Therefore, we need to remember that minors are the future of the nation. If they are developed in a respectable manner, then that will make sure that the nation will be able to make its place in the world. Similarly, it is necessary to provide dignity to elderly people too. Just because they have attained the old age doesn't mean that they don't deserve the respect. In fact, the elderly people are the ones who have attained experience in every domain of life, and they are the ones who will lead the minors and the other generations in an apt and lawful direction. In this way the minor and old aged people are having a direct proportionate relationship. The government's role towards the elderly and minors has been quite sluggish, negligent, and not up to the mark. The repeated cases of wrongdoings committed with the elderly people and minor needs to be done away. There is a need for strict government intervention in order to ensure proper security for the welfare of the minors and the senior citizens. Finally, governmental assistance and policymaking can definitely help the minors and the elderly resolve their problems. Nevertheless, the government should inculcate a "Zero Tolerance" policy in cases of any negligent behavior with the elderly and minors. However, they are somewhere lacking in its efforts to provide social security to these two classes of society. The suggestions and amendments as suggested in the study shall definitely prove useful in order to provide an effective regime for the elderly and the minors.

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