



# PROBLEMS OF THE MARGINALIZED SECTION'S WITH SPECIAL REFERENCE TO AGEING WOMEN IN INDIA – A HUMAN RIGHTS APPROACH

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**Abstract--** In the contemporary society ageing women face miserable conditions in their life due to social and traditional family structure they are forced to live with several restrictions hence they find themselves marginalized and isolated all the time. In India, the life expectancy has steadily gone up from 32 years at the time of independence to over 66.8 years (male: 65.77 and female: 67.95 years) in 2011, as women live longer than men, most of them have to live a life of a widow in their silver years. Ageing women lead a marginalized life and many of them live a neglected and miserable life. Most of the research studies shows there is gross violation of human rights to ageing women but still due to family sentiment and social values, these people are doesn't reveal the situation which they faced in the four walls of the home. Almost all ageing women face health, financial, emotional, abuse, discrimination and easily target by the criminals specially ageing women, hence we need to focus on human rights issues concerning ageing women in order to ensure respectful, more comfortable and healthy environment for them to live. The present study focus upon the human rights of ageing women in Indian scenario and how for laws and government policies to ensure human rights protection among ageing women.

**Key Words:** Ageing women, Problems of ageing women, Human rights, National and International Laws.

## INTRODUCTION

The Nature philosophy says everyone who is born has to grow old. One has to grow old and live with the discomfort, disabilities and infirmities normally associated with old age. Living with old age means living with problems this become a serious social problem with development of medical sciences and health care system. In India, the life expectancy has steadily gone up from 32 years at the time of independence to over 66.8 years (male: 65.77 and female: 67.95 years) in 2011, as women live longer than men, most of them have to live a life of a widow in their silver years this compels the state to seriously look and provide them human rights protection and social security benefits within the means and bounds of the State's revenue capacity.

## POPULATION OF AGEING WOMEN IN INDIA

Population ageing in recent years show that ageing population is not a balanced one as the female ageing are higher than male elderly. At the age of 60 men out of number the females whereas as the age grows female outnumber the male. The 80+ population projection reveals that by 2016 men figure 36, 13,000 where as women figure 53, 46,000 (Bose) i.e. 0.7% of the total populations will be elderly females. Maximum old population is in the category of 60-64 (3.1%) which declines as the age increases.

## HUMAN RIGHTS VIOLATIONS OF AGEING WOMEN

Ageing problem is a major problem across the world, as the population of ageing is growing due to increase in health facilities. Among the ageing person, ageing women are most vulnerable group of the society suffering from socio-economic and health problems. The extents of problems of ageing women are more if they are widows. There are innumerable problems faced by the ageing women, i.e. loss of social status, economic insecurity, lack of respect in the society and family, and if widow, the worries, depression is more causing more health problems. Ageing women have to face age related discrimination, mistreatment, harassment and abuse in their life due to lack of awareness about their rights and support system available for them in old age. Indian women have always been introvert by nature, that's why they are vulnerable and soft target of wrong doers.



Human rights of the elderly women are violated from time to time. Majority of cases of Human Rights violation are due to poverty of older women. Core poverty due to deprivation as follows:

- Proper/Nutritional food: Ironically, older women, particularly in rural areas do not get proper/nutritional food.
- clean potable water: Health condition of older women is affected due to non-availability of clean potable water.
- Shelter : Many poor & dejected older women are shelter-less in India.
- Sanitation : In old age sanitation is a big problem for delicate older women.

#### HUMAN RIGHTS INSTRUMENT

##### **CEDAW (Convention and Older Women's Human Rights)**

The Convention on the Elimination of All Forms of Discrimination against Women is a living instrument to protect the human rights of older women as it is mandated to eliminate all forms of discrimination against women throughout their lifespan. On 1st February 2002, at the Second World Assembly on Ageing, held in Madrid, this Committee adopted a statement to the effect that “special attention be focused on the special needs of older women.” The Committee recommended that the physical, financial and emotional needs of older women should be addressed and older women's access to health care should be improved. The committee placed strong emphasis on the need for Governments to collect and analyze statistical data disaggregated by sex and age as a way to assess more effectively their living conditions, the incidence of poverty among them and violence against them, as well as to implement gender sensitive policies with a life-cycle approach to older women's economic and social well being and empowerment.

The Committee has increasingly addressed in its concluding observations, during constructive dialogue and in its list of issues and questions, as well as through follow up mechanism, the discrimination faced by older women in various countries in a wide range of areas. For example, in the list of issues for Japan (2008), older women's medical needs were mentioned. Another example is the reference to a lack of identity documentation in the concluding observations for Mozambique (2007). In January 2010, at the 45th CEDAW session in Geneva, older women's issues were raised by the committee members for all eight reporting countries, especially in the case of Malawi, where the issues included witchcraft allegations, mob trials, and killing of older widows in order to grab their property. In the case of the Netherlands, health care systems for older women were an issue. However, despite the Committee's concern for the situation of older women, their rights are not systematically addressed either in State reports or NGO shadow reports. In the majority of cases, older women and the discrimination they experience remain invisible. A real life story can illustrate the invisible status of older women clearly. To ensure older women's enjoyment of their human rights and fundamental freedoms, States Parties are under the obligation to respect, protect, promote and fulfill these rights.

The Convention focuses on discrimination, as women tend to suffer disproportionately from various forms of discrimination. Ageing makes this situation more complex. The Committee has expressed its concern about the lack of statistical data, disaggregated by age and sex, regarding abuse, neglect and violence against older women, and also their insecurity in respect of their financial, medical and housing needs, including their exclusion from national ID networks, which cumulatively expose them to multiple forms of discrimination. Older women must not be viewed as victims, but recognized for the positive economic and social contributions they have made throughout their lives, both to their families and to society at large. They must also be valued independently for their economic contribution. They must not be subjected to discrimination on grounds of age or gender. Older women's needs vary according to their age and physical condition. Policy makers need to recognize this reality and take it into account.



## NATIONAL APPROACH

Government of India, actively supported a number of activities at the national and state level to promote 'healthy ageing' and National Rural Health Mission and the National Programme for the Health Care of the Elderly also ensure the health and medical care facilities to the senior citizens.

### Constitutional provisions

In Indian constitution also given more provisions to protection of old age people. In the Constitution of India, entry 24 in list III of schedule VII Article 246 deals with the "Welfare of Labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits. Entry 9 of the State List and item 20, 23 and 24 of Concurrent List relates to old age pension, social security and social insurance, and economic and social planning of old age people. Further, Article 41 of Constitution of India Directive Principle of State Policy, has directed that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right of public assistance in cases of old age. There are other provisions, too, which direct the State to improve the quality of life of its citizens. Right to equality has been guaranteed by the Constitution as a Fundamental Right under Article 14 of the Indian Constitution. These provisions apply equally to older persons. Social security has been made the concurrent responsibility of the Central and State Governments.

### Legislative Protection:

**Protection under Personal Laws:** : in all person law it impose legal duty to maintain parents is recognized by all people. However, so far as law is Concerned, the position and extent of such liability varies from community to community.

### Special Legal Instrument towards protection of Senior Citizens

To be true, there can be no progress unless and until the pace of progress is linked with the achievement of empowerment of the marginalized sections. There were no special laws senior citizens in our land until 2007. Some laws and regulations no doubt provided some concessions to them, but these could be joined only by the selected sections of the society. In the year of 2007 parliament enacted the Maintenance and Welfare of Parents and Senior Citizens Act-2007 would provide great relief to the parents and senior citizens. It creates positive rights to senior citizens, who are neglected by their children or near relatives for claiming maintenance, from those children and relatives who are likely to inherit their property. This Act is very important as it ensures speedy, inexpensive proceedings to claim Maintenance. It provides for the compulsory maintenance, protection and welfare of senior citizens so as to secure a life of dignity, peace and security for them and for the welfare measures to be undertaken by the State for its senior citizens. Specifically the Act provides for

- Maintenance of Parents and senior citizens by children or relatives made obligatory and justifiable through tribunals.
- Revocations of transfer of property by senior citizens in case of negligence by relatives.
- Penal provision for abandonment of senior citizens
- Establishment of Old Age Homes for Indigent senior citizens
- Adequate medical facilities and security for senior citizens

### Instances:

Indian ageing women have always been introvert by nature, that is why they are vulnerable and soft target of wrongdoer, it has been observed that for sake of peace of their home and stability in their life they hardly complain for anything. Due to illiteracy, poverty, lack of awareness about their rights, less exposure to mainstream of society and their social/family background their rights, even basic human rights are violated from time to time. As per observations collected by survey, it was found that majority of older women were living in inhuman conditions currently.

"My son & daughter-in-law, both are working. I have to look after my grown-up grandchildren all the time. My son & his wife do not allow me to go out of home, even when they are at home. After death of my husband, I am being marginalized in my own house. Sometimes it seems that I am not the owner of the house, but a care-taker."

---- Smt. Indrabai 73-year-old widow, K.R. Nagar, Mysuru District.



“I have been fed up of mistreatment by my daughter-in-law with me. She treats me like with a servant and abuses me verbally. I left my home for many occasions but every time I returned for my sons and grandchildren. I suffer a lot in old age only for sake of my sons & grandchildren.

----- Jayamma, 68year, Mysuru,

“I have been left alone by my sons due to house property made up by my husband. They wanted me to distribute my property among them equally. In old age my only my house in only source of my income as my husband was not in government job. I fear if I distribute my house among my sons, they could throw me out of my own house. In that condition, no one can help me.”

----Savithamma , 73 year, H.D. Kote Mysuru District.

#### SUGGESTIONS

- To bring attitude change towards old age in general society.
- To sensitizing younger generations towards elderly women.
- To empowering younger women to develop them as strong older women (Prevention is better than cure).
- To create awareness among older women about their human rights protection.
- Initiating the process of strengthening human rights of older women

#### CONCLUSION

In India, women have never found themselves at the center stage. They have always been marginalized from the mainstream of the society. Living as second class citizen for centuries, their mind-set has also developed accordingly and never enjoyed privileges of development. They worked very hard throughout their life, they dedicated every moment of her life for the sake of her children and husband, and they poured love, compassion and empathy on her family and remained ready for any kind of sacrifice. But when she becomes old and need family support from her family members, children and others, they left her alone physically, socially, psychologically. Aging is inevitable to any individual, which cannot be avoided. However the responsibility of state and society is more. In India, majority of older people are not aware their rights and other legal provisions due to high prevalence of illiteracy and lack of awareness. Hence, it is our duty to appraise all these facilities to old age people. An affirmative social action is necessary and need to protect the old age women.

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