

# Rights of Senior Citizens with special reference of COVID-19: A Critical Analysis

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**Abstract:** The paper examines the challenges faced by senior citizens in India, exploring the historical context of the elderly's revered status and the societal shifts leading to their neglect. It delves into the significance of the Supreme Court's recent intervention, particularly its order on the post-COVID situation of senior citizens. Emphasizing the inadequacy of issuing directives alone, the court calls for continuous monitoring to uphold the elderly's right to dignity, reasonable accommodation, and medical facilities. The order places accountability on the Union of India and States, urging the timely disbursement of pensions, provision of essential goods, and ensuring caregivers' protection. The transparency demanded from states in detailing their actions during the pandemic becomes crucial for accountability. The paper addresses issues like economic and emotional support, elder abuse, and the lack of encouragement for senior citizens. It incorporates global perspectives from WHO guidelines and UN observations on the vulnerability of the elderly during the COVID-19 pandemic. The paper advocates for urgent constitutional amendments and legal provisions to safeguard the rights of senior citizens. The Supreme Court's intervention is viewed as a beacon of hope, emphasizing the immediate need to address the well-being and dignity of the elderly in Indian society.

**Keywords:** Senior, Covid-19, Dignity, Citizen, Destitution

## I. INTRODUCTION

India is a nation that has a long tradition of glorifying older people, in which they have always been kept on the same footing as the king. There have been several examples that expressly represent older people being placed in a higher role within the community. Since the Vedic period, the practice of taking blessings from the elders has been prevalent in Indian culture and is still commonly practiced throughout the world. But with recent trends, it appears that all this went in vain as the conditions of the senior citizens have degraded over the past couple of decades.

### STATUS OF SENIOR CITIZEN IN INDIA

India is a country that has a long past of glorifying older people, wherein they were often kept on the same footing as the god. There have been many instances that depict that older people were kept at a higher position in society. The practice of taking blessings from the elders has been prevalent in Indian culture since the Vedic era and is still

practiced widely throughout the country. Still, it appears that all this went in vain as the conditions of the senior citizens have degraded over the past couple of decades. The nation with such a diverse culture had one thing in common, and that is the respect and admiration for older people, which seems to be lost somewhere today.

In India, the joint family is the most common and well-known kind of family arrangement. There are at least two generations alive in the extended family, and historically, this has worked out best for the elders since they tend to value exclusivity and authority. However, as urbanization continues and more people become reliant on readily available jobs, children are increasingly forsaking the traditional extended family model in favor of nuclear households. The elderly population will grow rapidly in the future decades, while the average family size will decrease. Due to the breakdown of the joint family and women leaving the home, the elderly are a vulnerable group in need of special attention and care.<sup>1</sup>

*“As long can earn and save, so long are all his dependents attached to him, but when he becomes old and infirm, even his family does not care to even speak a word with him.” - Adi Shankaracharya.<sup>ii</sup>*

The situation of older people, as highlighted by Shri. Adi Shankaracharya, 1300 years earlier, stands true even today. The plight of the aged world over is a shocking reminder of the path of modern society. The situation is acute with the population of the aged increasing as never before in the history of humankind. The issues concerning older people have since been the focus of discussions at the international level. The world nations grappling with the problem are mulling over laws to ensure that the elderly population is provided with adequate safety and security.

The enormous increase in the average age of the world's population, in both emerging and industrialized nations, is one of the most striking demographic trends of the twentieth century. The effects of an aging population are so widespread that they have been equated to a "silent revolution."<sup>iii</sup>

This is a particularly worrisome demographic trend in India, which is already struggling to meet the demands of rapid economic expansion across the board. In order to close the expanding gap between India's affluent and poor, the country must guarantee that its economic progress is broadly shared, and there are also legitimate worries about meeting the basic needs of the country's burgeoning population. In addition, the increasing demographic phenomenon of aging will have far-reaching consequences for both younger generations and the elderly.

As a result, a workable policy framework to address the problem must be prioritized immediately.<sup>iv</sup>

The ageing of the population is an inevitable consequence of the demographic transition experienced by most countries. As fertility declines and life expectancy rises, the proportion of the population above a certain age rises. This phenomenon of ageing of the population is occurring throughout the world. According to a UN Publication<sup>v</sup> in 2015, *“there were 901 million people aged 60 or over, comprising 12 per cent of*

*the global population. The elderly population is growing at a rate of 3.26 per cent per year, with Europe having the most significant percentage at 24%. The number of older persons worldwide is projected to reach 1.4 billion by 2030, 2.1 billion by 2050, and 3.2 billion in 2100. The number of persons aged 80 or over is projected to triple by 2050 and seven-fold by 2100. The number of persons aged 80 or over is projected to increase from 125 million in 2015 to 434 million in 2050 and 944 million in 2100.”*

There will be far-reaching effects of the population's aging on individuals, families, and communities. The rising proportion of seniors in the population is a major factor in the rising ratio of dependents to workers. There are now 8.6% of Indians in the 60+ age bracket, and this number is expected to rise to 20% by the year 2050. By 2050, the number of persons aged 65 and over is projected to exceed 315 million.<sup>vi</sup>

While gains in health, fertility, and longevity are all to be celebrated, the resulting surge in the aged population over the next several decades is a cause for worry and calls for age-friendly reforms in economic and social policy.<sup>vii</sup>

It is concerning that demographic changes and the fertility transition are taking place in India without corresponding improvements in the living standards of the people, even if the senior population only accounts for 8.6 percent, compared to 31 percent of the age range 0-14 years. Because India is still a developing country, most of its senior citizens live in poverty. Given the variation in population shifts among India's many states, the effects of this phenomenon will vary widely across India's socioeconomic strata. As a result, it is important and urgent to prioritize, right now, making the nation a more unified place and providing adequate living conditions for older people, the most vulnerable, and older women in particular.<sup>viii</sup>

## **II. PROBLEMS FACED BY SENIOR CITIZENS**

### **• DESTITUTION AMONGST ELDERLY**

Destitution refers to a lack of the means of subsistence or utter deprivation. It also denotes poverty, that is, the absence of any wealth protection and the lack of one's own labour's

access to profits. It is a multifactorial loss process which deprives an individual of control over assets and revenue.

Social aspects of poverty deal with the collapse or draining away of social support systems. There is the inability to meet the basic needs of life like food, shelter and clothing. Extreme income poverty is characterized by destitution, and persons living in poverty often experience both social exclusion and deprivation along the capacity aspects of poverty.

Those who are disadvantaged across the board are overwhelmingly likely to end up impoverished. Extreme and prolonged hunger is a leading cause of mortality.<sup>ix</sup>

#### • **EMOTIONAL SUPPORT**

As a person age, their life evolves, and so do their emotional needs. A senior's emotional well-being is just as important as their physical health. There are a lot of factors which affect this process:<sup>x</sup>

##### **A. INTERDEPENDENCE**

It's the job of parents to make sure their young children are fed, clothed, and otherwise comfortable and protected. But when parents age, the duties typically played by each family member shift. Most individuals over 65 don't like asking for assistance or being dependent on others. They worry that it will alter their connections with others around them.

##### **B. BOREDOM**

Without meaningful employment, retirees often struggle to occupy their time. Younger people in one's social circle often have full calendars. There's a limit to how much time one can spend in front of the TV. As we become older, reading presents new challenges. This is a prime moment for boredom and melancholy to set in. They start fretting about things like their own well-being, becoming sick, and forgetting things.

##### **C. LONELINESS**

Our group of friends always shrinks as we get older. Friends lose touch as a result of

distance, busy schedules, or death. Less time may be spent together as a family if individuals are too busy to visit. As a result, older adults face serious issues with loneliness and isolation. Feeling lonely and alone increases your risk of developing depression and dying prematurely. The transition from a joint family to a nucleus family, in which younger members of the family prefer to run away from the duties of the older people, leads to the abandonment of the seniors and is a major element dictating the lack of respect for the elderly. The younger generation of a family often takes advantage of the elderly and their money by providing them with a safe haven for no other reason than to use them for their own ends. In certain cases, family members engage in physical and/or psychological abuse of the family's elders. In most cases, young people are prevented from being unkind to elderly people by making the latter feel unsafe. When elders attempt to fight back, they often lose because they lack the financial resources to do so. The majority of the time, people ignore their cries. The younger generation's short fuse and inability to show the same amount of tolerance and patience they do with their own children is another factor contributing to the neglect of the elderly. This abandonment of the elderly is more common in India's cities than in the country's rural areas. This is because people in rural areas tend to be more traditional and have not been as impacted by Western culture. In rural places, the elderly continue to play a significant (although not identical) role in the family. They are not cast aside or allowed to fend for themselves. Important decisions in the villages are often made by the villagers' elders, and the panchayats likewise typically include many villagers' elders.<sup>xi</sup>

#### • **ECONOMIC SUPPORT / FINANCIAL DEPENDENCE**

Economic issues include factors such as employment cuts, income disparities and economic inequality.

India's senior citizens are victims of abandonment by the rest of the family and the community, which makes them dependent on themselves, where they need to earn their living.

At the point of life where it is expected for normal elderly to live a comfortable and prosperous life, they are placed in a situation where they have to earn their bread and butter and find shelter.

The Indian legislation requires an individual to provide their services to the government up to a certain age, that is, 65 years, after which the government provides whatever amount known as a pension to ensure that older people live a trouble-free life.

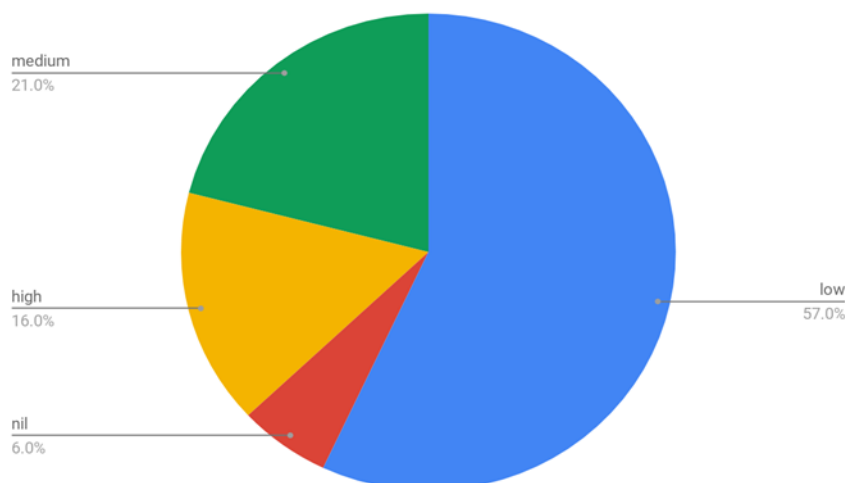
Matured individuals who are not in government services are at risk of losing their jobs as there is no age for retirement, and there is no assurance of retirement benefits as there exists no retirement age. It is a natural phenomenon that older people face physical and physiological problems regarding nutritional deficiency, low energy and stamina, hence limiting them in situations where they have to work to earn.

One cannot expect the same level of effectiveness as well as efficiency at such an age; thus, the senior citizens ideally are expected to work less. Society will also prefer younger individuals to work for them, which makes it difficult for older people to find work. In cases where they find the opportunity, they

still have to compete with much younger individuals who are ready to put in more hours. It becomes the sacred duty of the younger family members to look out for their elders, particularly the individual who is above the age limit of 60 years and are designated as senior citizens by the legislature.

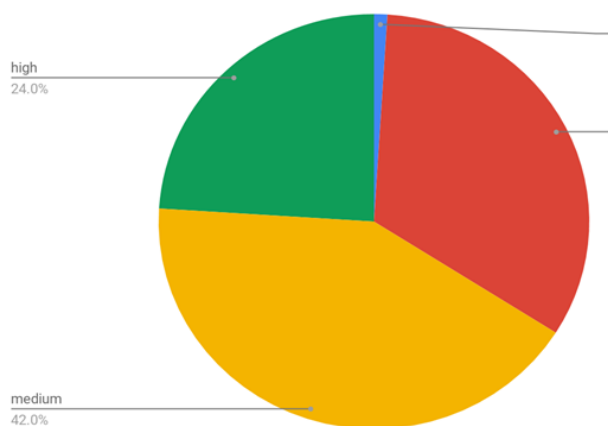
It has been observed that the younger individuals who are supposed to provide aid to their elders are themselves the core reason for the seniors struggling for economic help. There has been an increase in the number of cases regarding abuse to the seniors wherein the younger members of the family tend to harass the elders to gain all the benefits of the privileges received by the elderly in the form of pension, savings, etc. This shows that the senior citizens in the society have to bear with two vexed situations, one being to arrange for economic support and the other being safeguarding them from being abused for the same economic support.<sup>xii</sup>

**Financial Dependency of Elderly with High Income (fig.1)<sup>xiii</sup>**



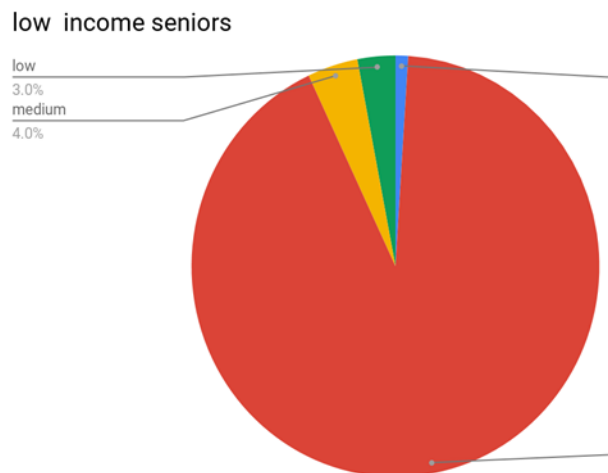
Among middle-income bunch senior individuals, as indicated by 1/3 of individuals (33.2%), their dimension of reliance on younger family individuals is low. For 41.4% and 24.4% old in this gathering, the dimension of reliance was discovered to be medium and high individually. Just 1% medium salary bunch older conceded that they are autonomous.

**Financial dependency of elders with medium income (fig 2)<sup>xiv</sup>**



In the salary bunch class, 91.6% of senior individuals conceded that they are profoundly subject to their younger relatives for their particular needs. Just 6.4% of old said their dimension of reliance on relatives is medium, while 40% and 19% said that their dimension of reliance is low and nil, separately.

**Financial dependency of elders with low income (fig 3)**



In the salary bunch class, 91.6% of senior individuals conceded that they are profoundly subject to their younger relatives for their particular needs. Just 6.4% of old said their dimension of reliance on relatives is medium, while 40% and 19% said that their dimension of reliance is low and nil separately.

• **LACK OF ENCOURAGEMENT**

The senior citizens of today lack any affirmation, social comparison, evaluation, or feedback from society as well as themselves. It has been seen that older people are deprived of any affirmation from society, which hampers their self-esteem, self-belief and many other things.

Every individual in this world needs affirmation and feedback, without which the individual will not be able to sustain in society.

Social comparison is required for an individual to keep on going in their respective life; they need a certain sense of comparison, most notably social. The senior citizens also need to evaluate their doings themselves. One's self-evaluation is as critical as the evaluation by society. Such an evaluation helps the individual to keep themselves in check and assist the individuals in keeping sane.<sup>xv</sup>

• **ELDER ABUSE**

Indian culture is just a society where individuals bless their dear ones with endowments like "live for a long time" and so forth. In India, seniority is an extraordinary festival in itself. But in recent times, it has turned into a monstrous, unavoidable truth indeed. Senior citizens are maltreated by terrorizing through hollering or dangers, embarrassment and scorn, routine accusing or substituting, disregarding the old individual, secluding a senior from companions or exercises, threatening or threatening the older individual, and so forth.

The older are additionally inclined to maltreatment in their families or institutional settings. This incorporates physical maltreatment (punishment of agony or

damage), mental or psychological mistreatment (curse of mental anguish and illicit misuse), and sexual maltreatment. An essentially higher number of ladies confronted maltreatment as contrasted with men; grown-up kids, companions, and children-in-law were the noticeable culprits.

#### WHO GUIDELINE FOR SENIOR CITIZEN

The correlation between COVID-19 and acts of aggression against Older Adults The incidence of violence against elderly individuals has significantly increased after the onset of the COVID-19 epidemic and the implementation of lockdown measures. This article outlines strategies to mitigate violence against elderly individuals in the context of the COVID-19 pandemic. Guidelines for operating essential healthcare services during the COVID-19 pandemic This record is intended for high-ranking officials, such as heads and directors, who hold positions in the public and sub-public sectors. It supports the national implementation of competitive initiatives to simplify and maintain access to secure and high-quality essential health services.

Life cycle and infection thinking include the integration of older people. This updated guidance paper is intended for physicians who are caring for COVID-19 patients, especially older persons, during all stages of their disease. Several new portions have been included, such as restoration, palliative care, and ethical principles, while the section on older adults has also been expanded. Guidelines for Infection Prevention and Control (IPC) in long-term care facilities during the COVID-19 pandemic Report on measures to prevent and control infections in medical care settings inside long-term care facilities. This directive is intended for the heads of the LTC offices and the central officer at the IPC office. This is an inclusive document, including essential instructions applicable to all demographics, including older people. Addressing mental health and psychosocial factors throughout the COVID-19 pandemic The World Health Organization (WHO) provides advice on "mental health and psychosocial considerations during the COVID-19 outbreak" as a component of their technical guidelines for COVID-19 response, explicitly focusing on risk communication and community

participation. Provides comprehensive instructions for older folks, those with pre-existing medical issues (such as dementia), and their caregivers.

#### WHAT THE UN BELIEVES

The COVID-19 epidemic is inducing profound fear and suffering in older adults worldwide. In addition to its immediate impact on public health, the pandemic is exacerbating the vulnerability of older adults to poverty, social exclusion, and isolation. The impact of this is likely to be particularly devastating for older adults in rural countries. The person referred to is António Guterres, who now holds the position of Secretary-General of the United Nations. An urban population study in India has shown that older people are the most susceptible demographic group impacted by the COVID-19 pandemic. The poll further indicated a limited adoption of insurance among older adults. The survey indicated that most of these individuals live autonomously in either their residences or leased residences.<sup>xvi</sup>

A poll conducted by Antara, a subsidiary of Max India Pvt. Ltd., Business Standard, revealed that up to 30% of respondents in urban areas of India expressed concern about contracting the new coronavirus illness. The study targeted the northern, western, and southern regions of India and found that 29% of the population was affected by social isolation due to lockdown restrictions. An analysis of around 44,000 people infected with COVID-19 revealed that the elderly and those with pre-existing health conditions pose the highest risk.

The Chinese Centre for Disease Control and Prevention (CCDC) reported a 2.3% mortality rate out of 44,672 confirmed cases, with the age group of 80 and beyond having the highest fatality rate at 5.1%. This mortality rate was also high among individuals with pre-existing conditions such as cardiovascular diseases, diabetes, chronic respiratory disorders, hypertension, and cancer. In Italy, research revealed that the average age of 105 patients who succumbed to the coronavirus infection was 81. There were only two fatalities of individuals under 50 in the country as of the day when infection data were analyzed. Comparing outcomes in Italy and China, it becomes evident that the older population is more susceptible to

fatal outcomes from new coronavirus infections. Previous studies related to SARS and MERS have also shown that mortality rates are more significant in the case of older adults. These findings suggest that the older population may be more susceptible to fatal outcomes resulting from new coronavirus infections.<sup>xvii</sup>

Immune function declines with advancing age. This is particularly evident in people's capacity to combat the coronavirus. The influenza virus is primarily responsible for inflicting harm on the body independently. However, the majority of the symptoms associated with coronavirus infections are really caused by the body's immunological response. While more research is necessary to understand and classify these responses fully, it is evident that the coronavirus stimulates heightened inflammation in older immune systems, potentially leading to a chain reaction.

### **III. Upholding the Dignity of Seniors: A Glimpse into the Supreme Court's Intervention in the COVID Era**

The recent order issued by the Supreme Court in response to an application discussing the post-COVID situation of senior citizens sheds light on the challenges faced by older people during the pandemic. The application emphasized the difficulties faced by older individuals living alone, highlighting their struggles to access essential goods such as medicines, masks, and sanitizers. The caregivers, too, lacked proper protection equipment and training, amplifying the need for immediate attention.

In the backdrop of a 2018 judgment recognizing the dire situation of older people, the Supreme Court stressed the inadequacy of issuing directions alone. The court acknowledged the need for continuous monitoring to ensure the constitutional mandate of providing older people with the right to live with dignity, reasonable accommodation, medical facilities, and senior care. This set the stage for the recent order of August 4, 2020. The order holds the Union of India and States accountable for the well-being of senior citizens, urging timely payment of pensions and the provision of essential goods. It calls for personal protection for caregivers and sanitization in nursing homes. States are required to file affidavits

within four weeks, providing a transparent account of their actions and initiatives for senior citizens since the onset of COVID-19.<sup>xviii</sup>

The significance of this order lies in its potential to force governments to publicly disclose their efforts and measures to support senior citizens during the pandemic. In a country where traditions venerate and respect elders, this intervention by the Supreme Court becomes crucial for demanding accountability and ensuring the rights and entitlements of senior citizens as enshrined in the Constitution and legislations like the Maintenance and Welfare of Parents and Senior Citizens Act of 2007.

### **IV. CONCLUSION**

It is possible to conclude by stating that the issue of old people has to be handled as quickly as possible and with the greatest care. The amendment of the Constitution to include a unique provision for the protection of elderly people and to include this protection within the realm of basic rights is an immediate need. The contemporary family should not be looked at as a safe place for elderly people because of the breakdown of the joint family structure, the disruption of familiar relationships, and the lack of respect for those who are becoming older in our society. As a result, creating a law to ensure the health, safety, and additional protection of older citizens, including palliative care, should be the constitutionally mandated responsibility of the state. The Supreme Court's intervention stands as a beacon of hope for senior citizens during these challenging times. It not only highlights the issues faced by the elderly but also seeks to hold governments accountable for their well-being. This essay explores the context, significance, and potential impact of the Supreme Court's recent order in the broader narrative of senior citizens' rights and dignity in India.

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