Chapter 2
Review of Literature
2.1 Studies on awareness, perception, attitudes about the MWPSC Act

Age well foundation and Advocacy centre (2011) in nation wise study it was found that 11.5% older persons were aware about MWPSC act, where as 88.5% older persons had never heard about this act. In urban areas only 8.2% agreed that they have heard about this act. Amongst those who are aware only 0.55% older persons accepted they have benefited because of this act directly or indirectly. 99.45% elderly said that they have not availed benefit of this act essentially because they do not know how to go about this act.

Group of Economics & Social Studies (GESS) submitted at the Bureau of Police Research & Development, Ministry of Home Affairs, Government of India in a survey it transpired that only 11.4 per cent of older persons (18.6 percent urban and 4.2 per cent rural) have any knowledge of the MWPSC Act, 2007. Of them, 70.5 per cent of the respondents wanted to know how, if their children do not have sufficient income and job security, can this Act work? On 21 February 2009, Chief Justice of India released a booklet on the Maintenance and Welfare of Parents and Senior Citizens Act, prepared by National Legal Services Authority, to sensitize judicial officers and other enforcement agencies as also to educate the elderly about the rights of the senior citizens. A legal awareness questionnaire given by the NGO Development, Welfare and Research Foundation in August 2007 to across section of adult population residing in Delhi revealed that for many participating in the survey, 56% people, special legislations like the Maintenance Bill would increase resources to respond to abuse (DWARF, 2007 [b]).

Spencer (2001) But ironically as suggested by studies done abroad in different countries, the creation of a special "abuse response" or adult protection service may reduce the response to an older adult rather than increase it.

Beaulieu, Gordon and Spencer, (2003) explored that as soon as a service is mandated to respond, other services without that specific mandate or funding drop out as a
resource, referring the older adult to the special service. This may happen even if the older adult needs help from the first-contacted service. This creates additional delay and steps to be taken before help is given. In case of India, apprehension from many quarters is about whether the Bill will absolve the State and Central Government of its responsibility of giving old age pension as it is only given to those who are destitute and without support from children?

Ramamurti and Jamuna (2007) explored that awareness may be created among senior citizens and the general public about the many programes, services, (old age homes, day care centers, home help services, etc.) subsidies, assistance (financial) and concessions, available to senior citizens. Therefore the Senior Citizen's Service and Information Centers shall prepare brief unambiguous information handouts on each one of these aspects, print them and make them available to senior citizens. The handouts need to be in the regional language of the State and English. These centers may get in touch with the information and publicity machinery of the Government and channel the information to the media so that the information reaches the seniors and those who are concerned and care for them. These handouts may be made available to old age homes, day care centers, senior citizens organizations and other NGOs dealing with senior citizens. In addition, all pertinent information useful to senior Citizens may be compiled into a booklet with the sections marked off for each of the different aspects covered. The booklet can be made available at a nominal cost. Many situations of neglect, deprivation and marginalization are treated as a normal consequence of ageing. These acts shape the attitude of older people to life, and their expectations of themselves. The insecurity inside and outside the household is today the greatest obstacle in the path of ageing women and "The Maintenance and Welfare of Parents and Senior Citizens Bill" only provides lip service to such issues.

Shankardass (2003) studied that there are cases of physical assault, excessive restraint, exposing older people and in particular women to humiliating behaviour. In case a widow and ageing women have some money they are more vulnerable to material exploitation, deprivation of property, income and verbal humiliation as well as murders. Research conducted by "Development Welfare and Research Foundation" on ageing widows in some colonies of Delhi has many narrations of being hit, more
specifically slapped, on occasions by their sons, daughters-in-law and even by their daughters in some cases. Few narrated things being thrown at them when they had not done as desired by their family. They were pushed around, restrained from doing things, be it cooking, housekeeping, going out, participating in activities and meeting personal needs and also have spit thrown on them as an expression of showing disregard. Conscious that compared to the atrocities outside the house, atrocities within the house are endurable, women not only continue to accept their inferiority in the house and society and try their best to come to terms with their conditions.

Puri (2007) observed that situation of women is affected by the degree of their autonomy or capacity to make decisions both inside and outside their own household. It is thus important that legislations for the welfare of senior citizens take into account this reality and have measures to safe guard ageing women and widows from being harassed, abused and when denied land, property and livelihood. A questionnaire administered to 100 women as a part of research project of development, welfare and research foundation on “Public response to Maintenance and welfare of parents and senior citizen act” With a reference rate of 70% suggest that 96% of aging women will be hesitant to avail the provisions of the act compared to 77% of aging men from the same section of society.

WHO/INPEA(2002) explored that it needs to be noted that emphasis on only Government provisions and services cannot solve all the neglect and abandonment problems of ageing parents, which has a wide range of issues increasingly being put under the umbrella of elder abuse. The assistance the older adult may need for their maintenance and up keep will have to come from various quarters, namely, government, civil society, including non-government organizations and older people themselves. It may require different interventions such as legal, social, health, psychological, emotional and financial.

Shankardass, (2003) investigated that Some incidents under the larger blanket of abuse may be best responded to by police intervention as is seen in different countries an observed in India,). Also the "abuser" may need to get professional and social assistance from a welfare oriented or a rehabilitation programme.
Shah and Shankardass, (2002) studied that there is a need to continue to develop a variety of responses and services to address neglect, abandonment and abuse of older adults as it is impossible for only single set of services to meet all needs in this area, which is a growing concern in contemporary societies.

Bisht (2007) assessed that it is also apprehension about what happens when the Tribunal or the Conciliation Welfare Officer that will be making the decision for ageing parent may victimize the victim in the name of protecting" them? A recent article in a popular widely read national daily newspaper stated that a study conducted 77% people in the country perceiving to be corrupt. The judiciary along with the police are by public at large as the most corrupt services available in the country. The study by the Centre for Media Studies revealed almost half of the households participating in research reported giving bribe for services like passing favourable judgments or speeding them up, and for obtaining affidavits/registrations or bail.

Shankardass (2011) examined that adult Protection Legislation in the form of the Maintenance and Welfare Bill is a "band-aid", not a solution to the intrinsic problem of improving quality of life of senior citizens. It seems more like a cover-up that makes it look like something is being done to help the older adults. Some help may be given by such legislation, but, it may not be the type of help that will resolve the abuse. Older adult victims of neglect need options to address their needs and help in bringing an end to the abuses that they are experiencing. This will not be achieved by passing. A study conducted by age well foundation among 50000 older persons only 25.83% expressed their optimism or positive attitude towards legal system of the country. 48.6% respondents said that these legal provisions are not enough to protect rights and interests of older people across the country. They are in favour of more favourable laws and policies for older persons. When asked about some special legal provisions and acts made for welfare and empowerment of older persons only 12.53% accepted that they have heard about the MWPSC act. When data further analyzed older women have very less knowledge about the Act. Only 3.06% older women admitted that they know about the provisions of the act. K Narayanasamy 80 year old man thrown out of his house by his children. He approached the court.
Action was taken against his sons under the provisions of the MWPSC act. It was observed that 40% respondents said that most favourable legal provision from older persons point of view is MWPSC act which has many provisions in favour of older persons.

Adult Protection Legislation that looks good but does not make available the services and assistance in a humane and dignified manner that an older adult needs in all circumstances and environments, in a way that provides support while recognizing the right of older adults to make decisions that affects their own lives.