Senior citizens, in spite of their number, collective wisdom and experience will continue to be ignored and marginalized, unless they unite—Kofi Annan.

From the analysis of different provisions of the law, legal principles, policies, schemes, the important document/Instruments, Conventions at International level etc and the results of socio-legal survey carried out by the researcher following conclusion are drawn and accordingly submit the recommendations which is presented in this part.

Aging is a normal, natural, inevitable and universal phenomenon. Earlier old age was associated with wisdom, an honorable position. The modern culture, breaking up of joint families, retirement and the changing social values caused adversely and lowered down status of aged. The young one's look after by their parents and guardians, are now not given much attention by their sons and daughters. Most of old parents are living in a miserable condition. The majority of the younger earning population and also the State machinery treat them as burden on the economy. However, instead of regarding older Citizenry as an advantage in the present era aging is seen as negative, incompetence and narrow-mindedness.

After more than 63 years of independence and democracy experiment there are segments of people who are not treated at par with other, there is injustice and discrimination towards them. One
of most neglected and ignored segment is of Senior Citizens. Elders are not considered as part of mainstream, there is unjust treatment to those who gain 60 years of age, aged people are suddenly considered ‘Retired’, good for nothing. Government and civil society are not bothered of this experienced and skill group of people. The Indian subcontinent boasts of our ‘Great Joint Family’ ‘The Traditional Family’ system where we used to respect, care and love our elders, our parents. Due to Globalization and New lifestyle there is increasing number of Abuse, Neglect and Abandon case with regards to Senior Citizens.

India is undergoing a demographic change. With decline in fertility and mortality rates accompanied by an improvement in child survival, better health care and increased life expectancy, a significant feature of demographic change is the progressive increase in the number of elderly persons. The gradual Urbanization of Rural India is also a new trend to worry. Over and above a step motherly treatment by Center and State Government is making situation worse for our elderly.

This has led to the emergence of many problems. The proper analysis of the same reveals that, mainly there are socio-economic, social, psychological and health problems. These problems are of different nature in urban and rural, male and female, religion and their status. Also problems of aged in organized sector are different from unorganized sector.

In this backdrop, there is need to identify, examine and to find out the solution to the problems of aged. No doubt the responsibility of care of the aged persons or parents is to be shared
by their family first. But unfortunately many aged persons are not
given proper attention by their family members. Worst is the case
of aged persons who are not having family or relatives. Such
persons are deprived of basic rights such as right to life and food
etc.

There are different provisions in different legislations which
can be indirectly interpreted in favor of such persons. Taking this
in to consideration, the governments in different States as well as
Central government have formulated certain policies and
programmes. These different schemes appear to be enacted to aid
the aged people. The perusal and review of all these policies,
schemes, benefits, concessions etc. provided to aged persons are
with sole object to provide an opportunity to the aged people to
live with dignity as enshrined under Art. 21 of the Constitution of
India. Theoretically speaking all these are appearing to be very
good and effective, but practice is otherwise.

The modern human rights thought envisages an inclusive
society for an ageing population and considers older persons as full
and equal citizens enjoying full and equal rights. For this, initiative
has been taken at International as well as Regional level. Perusal of
the various documents and resolutions and declarations carried out
in various conventions and conferences demonstrate that, the world
community is having keen interest in the promotion and protection
of interests of aged people throughout the world.

The UDHR and two Covenants specifically recognized
certain rights as Human Rights of aged people. In addition to this
there are other important declarations like, First World Assembly
on Aging in 1982 at Vienna, Austria (International Plan of Action—Vienna Plan), Madrid Plan of Action (2002), Toronto Declaration on Global Prevention of Elder Abuse (2002), Declaration on elimination of Violence Against Women (1993), these emphasis on right to life with dignity, right to health, right to shelter, right to pollution free atmosphere etc.

In compliance with the international documents or instruments and to give effect to various resolutions carried at international level, the government of India also made efforts by evolving certain mechanisms for the protection of interests of aged people in India. In compliance with this we have ample legislation and different policies. Art. 21 provide ‘Right to Life’ and ‘Personal Liberty’ to all persons whether citizens or non-citizens. The ‘life’ in this article means ‘Life with Dignity’. The idea of dignity full life under Art.21, finds its reference in Maneka Gandhi’s case. After this case the ambit of the word ‘Life’ was widened in different cases dealt with by the Apex Court. This wider horizon was interpreted by our Supreme Court in favor of protection of interests of aged people in India.

Under Constitution of India, there are some directives to the State and the officials, regarding how to deal with the aged people, how policies are to be framed etc. Art. 41 have reference of the same. In addition to this, certain entries in the Seventh Schedule relates to provisions of old age pension, social security and social insurance etc.

In Indian legal framework some different statutory provisions are also found relevant for the protection and promotion of interests of aged people in India. Prominent among these are, The Criminal
Procedure Code, 1973, Section 125, Hindu Adoption and Maintenance Act, 1956, recognizes obligation of son and daughter to maintain his/her parents if they are aged and infirm and unable to maintain themselves out of their earnings. The Pension Act, 1871, provides the economic security by way of payment by government to the employee after retirement, on past service considerations or merit. Under The Employees’ Provident Fund and Miscellaneous Provisions Act, 1952, the ‘Provident Fund Scheme’ the government has introduced another mode of social security for workers who have given the best part of their life to industry. The Payment of Gratuity Act, 1972. Payment of Gratuity is a retirement benefit, in addition to PF and Family Pension, for employees engaged in factories, Mines, Oilfields, Railway companies, shops and other establishment.

Apart from this, the government of India declared National Policy on Older Persons way back in 1999, on the eve of International Older Persons Year. This policy provides broad framework for inter-sectoral collaboration and cooperation both within the government as well as between government and non-governmental agencies. It has identifies number of areas of intervention like, Financial security, Health care, Shelter, Education/information need, welfare and institutional care, Protection of Life and Property etc. of the aged people in India. This is the majour initiative taken by the government for protection of interest of aged people in India.

In pursuance of this, government setup/launched other policies like, National Council for Older Persons (NCOP), Grains-
in-Aid Schemes, National Initiative on Care for Elderly (NICE) and Old Age Social and Income Security (OASIS) etc.

However, in-depth study and analysis of the aforesaid provisions reveals few problems viz. first, NPOP were declared in 1999, but unfortunately it has not been implemented as yet even after completion of 12 years by the government. Secondly, the provisions of much legislation are found only in favor of employees/persons working in government or organized sector. However, these provisions do not cover the huge number of persons from unorganized sector. From this it appears that, the aged people from unorganized sector are not having any kind of security at all.

Apart from the statutory provisions, the aged or senior citizens are conferred with various privileges, facilities and concessions as a matter of policy by the governments both Central as well as State. Prominent among these privileges and facilities can be summarized as, National Old-Age Pension Scheme, a destitute old male or female of the 65 years or more is given monthly `200/- as pension, through Village Panchyats and Municipalities. Sanjay Gandhi Niradhar Yojana, (applicable to female above 65 years and male 60 years)—`100/- per month, for destitute from rural area. Indira Gandhi Bhumihin Vrudh Shet-Majdoor Sahayay Yojona, gets `100/- per month. Another one is Scheme of assistance to Panchayati Raj Institutions / Voluntary Organizations/ Self Help Groups for construction of old age homes/multi service centers for older persons. Old Age Homes, Health care facilities-separate counter for case papers, separate geriatric wards in government hospitals, trained personnel in
geriatrics, expeditious disposal of court cases to accord priority to cases involving older persons and ensure their expeditious disposal, economic relief—in the form of reverse mortgage scheme, concessions and facilities in road transport, railways and air travel etc.

No doubt the government is providing all these things only to comply with the constitutional directives, but the careful perusal and the analysis of the same say the different story. Number of schemes and concessions or benefits is not reached to many of the destitute who are desperately in need of the same. Further there is no regular follow up by the implementing authority. The age criteria fixed to avail such concession and benefits by male and female, appears to be discriminatory. Further there is no uniformity in the States regarding implementation of the policies conferring concessions and benefits etc. The amount by way of momentary relief or pension given under various policies is also not adequate looking to the high prices of commodities and expensive standard of life, expensive medicinal facilities etc. Same is the case of travel concessions, it is actual no facility for the aged who are above 75 or 80 years of age. Since, they cannot travel without attendant. But no provision is found in this respect. Many of the existing old age homes are lacking infrastructural amenities and not in proper conditions.

Further it is observed that, the government has encouraged the non governmental organizations to help and assists government in providing different amenities to aged people. NGO’s are playing an important role in advocacy, protection and promotion of the interests of aged people in India. The position
held and the role played by NGO’s working in the field of aged people is very important. However, when overall working is seen, it appears to be not satisfactory. Much can be done through this mechanism for up liftment of aged people and protection of their interests. But there requires proper administration on the part of government in respect of working of NGO’s.

The concluding part of the research is Socio-legal survey, carried out by researcher in the district Sangli. The researcher tried to find out the knowledge and awareness about the “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007”. The researcher while carrying out survey got opportunity to interact with different people from the different parts of district Sangli.

From all the data and responses received, the conclusion can be drawn that, the Act and the Policy shall be given wide publicity so that it will reach to each and every person for whom they are brought in to existent. Secondly, the Act and the Policy needs to implement forthwith throughout the territory of India. There shall be mandate to be issued to the officers to take special and sincere efforts in the implementation of the Act.

**RECOMMENDATIONS**

Looking to consistently increasing number of aged people, variety of problems faced by aged people, it requires some special concern towards the protection of aged and take certain urgent action in that behalf. In different chapters as a part of conclusion various suggestions have been provided. Researcher takes this opportunity to place/furnish major suggestions in the present section.
1. To sort out socio-economic problems, the government as well as private sector shall create opportunities for continued employment/self employment and income generation. This will reduce the financial burden upon the government.

2. Government shall introduce Pension scheme for all aged persons irrespective of the sector they belong. Since persons from unorganized sector have no protection regarding future life of them is concerned. This pension will help them to some extent in meeting their expenses.

3. To overcome psychological and emotional problems of the aged there shall be more day care centers in every city. These centers may be established by the assistance of local authorities or with the help of local NGOs. So that aged people can come together and share their ideas happiness as well as grief, which help them to come out of their problem.

4. Further aged living in Old Age Home, can be helped to come out of this trauma by making suitable arrangement like every Old Age Home and Orphan Age Home if kept in the same premise, emotional feelings of both, orphan child and inmates of Old Age Home may be satisfied. Child will get 'Dada-Dadi or Nana-Nani' and aged person will experience the company of grand-children, son or daughter. This way psychological burden, emotional and loneliness feelings in aged people may be reduced to greater extent.

5. To protect aged from abuse or harassment or crime, provision for regular surveillance by an officer of nearest Police Station is made in Criminal Law. Further Statutes
may create special penalties for those who defraud elderly
consumers such as double or treble damages.

6. Minimum sentencing ranges may be set for criminals
convicted of committing crimes against the elderly.
Sentencing schemes may be enhanced when the victim of the
crime is aged person. The victim’s status as an elderly
person may be aggravating factor to be considered in
imposing the sentence. There may be a separate penalty
scheme for entities and workers who abuse the elderly in
institutional settings.

7. In addition to it “Mohalla Committee” consisting Ward
Member, senior citizens, professionals like Advocate,
Doctors and Engineers and youth and social workers, shall
be constituted and be directed to keep watch upon the aged
residing in the ward or mohalla and provide any assistance to
them as and when sought. This will reduce the burden on
Government and would help much the aged people who are
residing alone and some security would be provided to them.

8. There shall be uniform recognition of some of the basic
rights of the aged people like right to adequate standard of
life, security, right to non-discrimination, right to healthcare,
prevention of elder abuse and social security etc. throughout
the world by the international community.

9. This shall be made mandatory on all the States irrespective
their local conditions and shall not have option regarding its
adoption in respective States.
10. Some suitable mechanism shall be evolved to intervene if there is gross violation of these rights by the State and to prosecute erring State.

11. There shall be comprehensive legislation to provide the social security to all the persons including persons from unorganized sector.

12. The aged parents shall be given benefit of pension out of Employees Pension Scheme, at par with widow and children, if they are not having any other living son or daughter and means for their survival.

13. There shall be provision for some incentives or more rebate than the present one, in case of payment of Income Taxes for those who are taking care and providing all amenities to their aged parents. This will encourage protecting joint family system and providing same respect and honour to aged parents/people as earlier.

14. If the aged people are destitute with no one to look after them, the responsibility must be shared by government/State. The State must take all necessary steps to provide them the succor and peaceful life.

15. The National Policy of the Older Persons though declared in 1999, it has not been implemented after elapsing more than decade. Hence it is sincere suggestion that, government shall initiate the mechanism for implementation of the NPOP forthwith in its letter and spirit, to provide social and economic security to aged people in real sense so that, aged people will enjoy life with dignity as enshrined in Constitution of India.
16. In spite of the fact that, the number of aged people is increasing day by day, issue of aged is dealt with by Ministry of Social Justice and Empowerment which is already over burdened. There is ministry for Women, children Youth, Environment; there is National Commission for Minority, Women and Population but about 7.5 per cent elderly as stated above, are represented by congested and overloaded Ministry of Social Justice and Empowerment. Hence there shall be separate Ministry for Senior Citizens or Aged People.

17. The provisions regarding Pension, Family Pension, Gratuity etc needs to be revised/improved to be best suited and proved to be really in the interest of aged persons.

18. Affordable and economic medical treatment without any hurdles should be available to all senior citizens.

19. The amount towards Old Age Pension needs to be enhanced sufficiently with the present crisis putting senior citizens at receiving end, so that aged can meet their basic needs out of it. This may be keeping in view the present Average Per Capita Income of an Indian Citizen and Minimum Pay/Pension fixed recently for Central Government employees. Further there shall be uniform rate of old age pension for the entire country.

20. Government should popularized Reverse Mortgage scheme and make it simple to avail and reduce chargeable interest.
21. Government should direct all the banking institutions to have their office in the premise suitable to aged person, having some provision of security of life and money also.

22. It is also suggested that, to bring uniformity in the rules pertaining with concessions etc. all these shall be brought under the same umbrella by establishing one separate department.

23. The criteria of age to avail the schemes, concessions, facilities or benefits shall be made uniform everywhere and between male and female aged people. Also there shall be uniform implementation of the said concessions and facilities in every State.

24. Further there shall be adequate provisions for the safety and security of aged person’s while travelling and technicalities shall also be reduced in implementing the concessions and facilities.

25. In case of travel by aged above 75 or 80 years the provision for concession to the attendant of aged also shall be given at par with the facility available to patient and disabled persons.

26. The government shall give wide publicity to the concessions, facilities and privileges available to aged people so that, the same can be availed by them.

27. NGOs working for the causes of elders are not working unitedly, there is a missing link. Hence it is suggested that, they should work together and sensitized the society and
community about the issues of elderly like loneliness, security and care.

28. The government shall earmark the nature and province of NGO’s by suitable legislation. The NGO’s shall be made accountable for the funds collected and disbursed.

29. There shall be some control by government over NGO’s in respect of the property, funds and their day to day transactions, by enacting suitable legislation.

30. The Act and the Policy needs to be implemented forthwith throughout the territory of India. All the State government shall be issued mandatory directions to implement the Act. Further, there shall be mandate issued to the officers to take special and sincere efforts in the implementation of the Act.

31. Government shall take every possible steps to create awareness among the society as well as aged people, regarding rights of aged people, provisions of the Act, various schemes and policies, concessions and benefits conferred upon and facilities available for aged people etc.

32. The Act and the Policy shall be given wide publicity so that it will reach to each and every person for whom they are brought in to existent.

33. State government shall not have the discretion in determining the amount of maintenance to be awarded by the Tribunal. The Tribunal shall be manned by person having proficiency in law.
34. The Act shall have integrated approach towards the welfare and maintenance of senior citizens. The Act shall be made comprehensive.

35. Yet another equally important aspect requiring the restoring position of elders in family and the society, for that Media can be forced by legislation to give every day programme/news/articles/stories. Just as smocking is completely stopped in trains, public places etc.

36. Lastly, it is submitted that, merely enacting piece of legislation and carrying out different mechanism would not be enough, hence, to solve the problems faced by aged people and to provide them dignity and honour, especially the youth shall be given some training by insertion of some studies regarding issues of the aged people at every University and degree level, as it is being done regarding protection of environment. Further mass and youth shall be sensitize towards the issues of aged people by undertaking regular awareness programs by the government and social workers.