



## **A CRITICAL ANALYSIS OF LAW AND POLICY ON ELDERLY VICTIMS IN INDIA**

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Old is gold is a proverb which explains the value of old things and people whereas, when men become old they are considered as burden. Due to industrialization and nuclear family culture, elder people are abandoned and neglected by their own family members. Elders who have wealth also got victimized by their children. Elderly people also not given proper health care by their relatives; because of their dependency nature they are prone to physical and mental sufferings. Due to old age elderly people not only financially vulnerable; they also become victim of some conventional predatory crimes such as theft, robbery, dacoity and sexual offences too. In this paper the author has intended to analyze the nature and forms of elderly victimization (domestic victimization & crime victimization) along with the preventive and protective measures with the help of the criminology and victimology theories. The author is also going to analyze the position of elderly victims in India and the measures taken by the Indian government for protecting elderly victims and preventing them from victimization.

### **Nature and types of elderly victimization**

Unlike child abuse and child victims, elderly victims often neglected by us. Elderly victims are facing victimization in domestic as well as public places. In domestic victimization, the perpetrators are the near and dear family relatives. In public places, strangers are the perpetrators. Further, the offences against elderly victims are mostly unreported.

## **Domestic victimization**

Elderly people are most vulnerable to victimization in their own homes. The possibility of victimization of elders is much higher in their homes than public places. The elderly people are facing verbal abuse, physical abuse, sexual abuse and financial abuse in their homes by the perpetrators. Some elderly people are completely abandoned by their family members.

Physical abuse against elderly victims are generally in the form of kicking and hitting; sexual abuse in the form of sexual assault or rape and usually elderly women are the victims of this abuse; financial abuse in the form of theft, fraud, transfer of property of the elderly people, verbal abuse in the form of threats and blaming of the elderly people. Abandonment or neglect of the elderly people are in the form of not providing adequate food, shelter, health care and other social care. Most of the elderly victims are losing their recognition in their family due to aging.

In a Agewell foundation survey on “status on elderly people in Delhi and NCR has pointed out that the people become older are losing their income. About 36% of people are not having any income. This survey also revealed that due to less income or no income the old people have decided to leave luxurious goods; some people are not having money for their medicine and vehicle fuel expenses<sup>1</sup>. In another survey report of the help age India, about 81% of the elders are depending their relatives for their financial needs. They are getting financial assistance from their son, daughter and daughter in law<sup>2</sup>

Elderly people are filing more and more case in the courts for getting recognition from their family members. It may further lead them in to crime prone situation. The opponent parties may target the old people for getting rid of their cases. In a recent Agewell survey also stated the same. this survey has stated that elderly people are keen to fight for their legal rights especially filing cases not only because of pecuniary gain and also to involve them in an occupation, it helps them to show some guarantee to their family members especially to the younger members of the family to recognize them. This survey has been conducted by a NGO in Delhi area<sup>3</sup>.

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<sup>1</sup>Comprehensive study On Status of older persons in Delhi and NCR-2012, conducted by agewell foundation.

<sup>2</sup> report on elder abuse & crime in india, published by HelpAge India in 2011.

<sup>3</sup> 2. Agewell foundation survey on “Agewelllegal study on changing mind-set of older persons towards legal justice”, July 2010, Delhi & ncr,”

## **Public victimization or general crime victimization**

As per the “rational choice” theory criminals are always structure their choice before committing the crime. Older people are the immediate target for the criminals because, they are strength less and criminals are not required to spend much time and energy to commit the crime. Moreover, the probability of getting caught, identified and punished by the enforcing agency is comparatively less. Because of this, many of the property crimes are committed by the criminals against the elderly people

Most of the robbery and dacoity which are committed in day time are against elderly people by the criminals. The elderly people who are in need of assistance are the most vulnerable. Generally gardener, plumber, electrician and others who are having the access of the residence of the elderly people are actually participating in the commission of crime against the elderly victims<sup>45</sup>.

In a survey conducted by Agewell foundation on the status of elderly persons in Delhi and NCR revealed that 83.3% elderly people are living in isolation; In rural places the isolation level is low. This survey also pointed out that about 42% of elderly people are not having any interaction with their family or society<sup>6</sup>.

In another Agewell foundation survey, 21.2% older women were living alone in their houses. Most of them were widow and their children were living at distance places far from them. 17.7% older women were found living with their aged husbands only. 57% older women were found living in small/nuclear families. In most cases, they were living with their any close relative like son’s wife & children, daughter, etc<sup>7</sup>.

A 75 years elderly women named Bhagwati Devi, belongs to Sitapur,Uttar Pradesh has stated that “My son and his family settled down abroad and daughter lives in Mumbai. We live alone in our house. Since my husband is confined to bed, security from anti-social elements has turned

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<sup>4</sup>Victimology-Victimization and Victims’ Rights by Lorraine Wolhuter, Neil Olley and David Denham Cavendish published by Routledge Taylor & Francis Group LONDON AND NEW YORK, 2009.

<sup>5</sup>Victimology-Victimization and Victims’ Rights by Lorraine Wolhuter, Neil Olley and David Denham Cavendish published by Routledge Taylor & Francis Group LONDON AND NEW YORK, 2009

<sup>6</sup>AgewellfoundationComprehensive study On Status of older persons in Delhi and NCR-2012,.

<sup>77</sup>Agewellresearch& advocacy center, “Agewellstudy on human rights & status of older women in India (July 2011”, Delhi &ncr, Agewellfoundation

into a bigger problem for me. Now people have also started encroaching on our land. Being an old woman I have become soft target for everyone<sup>8</sup>.

Robbery, dacoity, burglary are the common crime committed against elderly people by the perpetrators in India. As per the National crime record Bureau's statistics 32,496 senior citizens were murdered in India during 2001 to 2010. In 2012 there were three murder incidences against elderly people in Uttar Pradesh got attention of the media; In Lucknow Six elderly women who were lived alone in their home got murdered by the robbers while committing robbery; In the same way, an aged couple was murdered after robbery in their home; In another case, where a son killed his father with a sharp article. In 2012, there was a reported case of a murder of old man in Madhya Pradesh and he was murdered by his own son<sup>9</sup>. Very recently, A old women aged 60 years who was living alone got murdered in Chennai<sup>10</sup>

As per the NCRB report, 3,823 elderly people were got murder across the country in 2012. out of these 493 murders were taken place Uttar Pradesh and 412 murders were taken place in Tamil Nadu. in 2011, Tamil Nadu was holding fifth place in murders committed against elderly people. the number of murders committed against elders are considerably increasing across the country day by day<sup>11</sup>.

In west Bengal also crime against elderly people is increasing considerably. About 666 elderly people were kidnapped in West Bengal between 2012and 2013. As per NCRB report in West Bengal alone 320 senior citizens got murdered; Compare to 2012, about 198 murders got increased<sup>12</sup>. in Thane city of Maharashtra, crime against elderly people got increased up to 151% in 2015. It has become second place in Maharashtra on crime against elderly people<sup>13</sup>.

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<sup>88</sup>Agewellresearch& advocacy center, "Agewellstudy on human rights & status of older women in India (July 2011)", Delhi & ncr, Agewellfoundation<sup>8</sup>

<sup>9</sup>Crime against the Elderly in India: A Contemporary Social Problem By Avanish Bhai Patel\* & Dr. A. J. Mishra, published in Vol. 19 | No. 2 | May 2013, published by HelpAge India-Research & Development Journal

<sup>10</sup> <http://www.newindianexpress.com/cities/chennai/2016/oct/31/home-alone-elderly-woman-murdered-in-chennai-1533465.html>

<sup>11</sup> <http://timesofindia.indiatimes.com/india/UP-records-most-murders-of-elderly-Tamil-Nadu-second/articleshow/25785661.cms>

<sup>12</sup> <http://timesofindia.indiatimes.com/city/kolkata/Alarming-rise-in-crimes-against-elderly/articleshow/48106976.cms>

<sup>13</sup> <http://timesofindia.indiatimes.com/city/thane/Crime-against-elderly-shoot-up-by-151-in-15-Thane-stands-2nd-in-state/articleshow/55819652.cms>

## **Reasons for non-reporting of the victimization of the elderly victims**

The reporting of the victimization of elderly victims are very low due to the following reasons,-

a). personal circumstances of the elderly people

- 1). No or less self confidence
- 2). Physical weakness
- 3). Consider the particular act is not serious.

b). other reasons on the basis of the impact of reporting.

- 1). Fear of isolation from the partner and family.
- 2). Fear of mocking (others may say that “mounting the victimization”).
- 3). Embarrassment (elderly victims may think that they will be humiliated if they report about their sexual abuses)<sup>14</sup>.

Help age India report has stated that Highest elder abuse occurred against the elders who are aged 70 and above; about 98% of elders did not take any action against the abusers. About 40% of the elderly people who has filed their complaints have stated that nothing concrete change has happened.<sup>15</sup>

Elderly people do not want to report their domestic victimization due to the fear of isolation and their near and dear one should not suffer any harm through their reporting. Personal circumstances of the elderly people actually motivate the perpetrators to commit crime against them. The above said all surveys were conducted in an around urban areas only; the scenario might be different in interior rural areas of India.

## **Gender discrimination and Elderly victims**

Compare to old men, elderly women are extremely vulnerable. Cultural and religious practices of the people, preference of nuclear family system by the society, less income, no or less ownership rights to the women, longer life span of the older women, and lesser education of the older

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<sup>14</sup>Victimology-Victimization and Victims’ Rights by Lorraine Wolhuter, Neil Olley and David Denham Cavendish published by Routledge Taylor &. Francis Group LONDON AND NEW YORK, 2009.

<sup>15</sup> Report on elder abuse & crime in india, published by HelpAge India in 2011.

women are the prime reasons for the extreme gender discrimination in old age. In India, the old woman become extremely stranded especially she is also required to render her services to her elderly husband.

As per the 2015 Agewell foundation survey, 89.38% elderly people have told that positions of elderly women within their families are worse than male counterparts because of their gender. The condition of elderly women who are living in rural areas are better than urban elderly women. About 76% elderly women have told that gender discrimination is the dynamic factor for lower status of elderly women. In this same survey, most of the elderly women have told that their social life are interfered or disturbed by the family members. Though elderly women are living longer duration than elderly men still, their health conditions are not good. About 86% of the survey participants have told that due to gender discrimination elderly women are neglected by the family members. in the same Agewell foundation survey about 80% elderly people , have said that financial status of elderly women are weaker than elderly men because they are women and have less opportunities to get their own income. 63.44% elderly people admitted that elderly women are not having land or less house/land properties in their name due to gender discrimination.

In the above said survey 39.35% elderly people said that older women are more likely to elder abuse in contrast to older men. They further said that human rights of elderly women are disrupted more in comparison to human rights of elder men. Elderly people from The rural region told that so far as protection of human rights are concerned elderly women always remain at the receiving end. In this same survey the elderly people have agreed that gender discrimination in old age people within the family and society are pretty common phenomenon.

Criminal justice system also neglect or give less important to the crime against elderly women. in 2009, there were 95 elderly women who were above age of 50 got raped by the perpetrators. In 2013 the rape victims of elderly women got increased considerably and about 256 elderly women reportedly got raped by the perpetrators<sup>16</sup>., in 2015, , 74-year-old nun was locked in a room and raped while trying to prevent six men from assaulting another woman and robbing the Christian missionary school at Kolkata, in West Bengal<sup>17</sup>. in 2016, a 70 years old woman got

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<sup>16</sup> <http://qz.com/291079/rape-and-menopause-these-charts-show-how-more-and-more-elderly-women-are-falling-victim-to-sexual-crimes-in-india/>

<sup>17</sup> <http://www.dailymail.co.uk/news/article-3012669/Indian-police-finally-make-arrest-12-days-elderly-nun-gang-raped-convent.html>

raped by a gang consist of four members at Attayampatti village in Namakkal district, Tamilnadu<sup>18</sup>.

in September 2016, a 90 years old woman sexually assaulted by a perpetrator at her own home at in Kadakkal near Kollam , Kerala. As per the police report, the accused broke into the house through the back door at night and assaulted the woman at knife point. She also suffered injuries in the fight. The victim is a widow does not have any children and has been living alone for 20 years since the death of her husband and she is suffering from cancer. When she was complaining about this incident to Her relatives and neighbors , they asked her to keep quiet. The panchayat member of that area also asked the elderly victim to ignore this crime and shown his apathy towards her. Later, the Kerala state human rights commission on its own has taken cognizance of this case and asked the state government to investigate and submit the proper <sup>19</sup>

Very recently 80 years old woman got murdered very brutal manner in Sonipat's Bathgaon village, CHANDIGARH, Haryana. The unknown assailant inserted a plastic bottle of the toilet cleaner Harpic into her anal cavity and let her bleed to death. Though police officer did not find any evidence of rape in the initial investigation, they are looing in to the possibilities of sexual abuse<sup>20</sup>. Unlike Nirbhaya incident, the country has not given much attention to these cases except news reports and few voices.

In **Achey Lal vs State** Govt. Of NCTOf Delhi on 30 October, 2014<sup>21</sup> the Delhi high court categorically held that a women who crossed the Menopause period cannot be turned as a rape victim. In this case, a old woman aged about 65-70 years died due to some internal injuries. The postmortem report stated that the deceased woman had taken alcohol and before her death she had sexual inter course. The court stated that “even if the sexual intercourse was forceful it was not forcible and contrary to the wishes and Consent of the deceased” and acquitted the accused. Though the findings of the court is on the basis of medical and circumstantial evidence still, inclusion of “lapse of menopause period”in the discussion could have been avoided.

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<sup>18</sup> <http://timesofindia.indiatimes.com/city/chennai/70-yr-old-woman-gang-raped-bleeds-to-death/articleshow/54453944.cms>

<sup>19</sup> <http://www.hindustantimes.com/india-news/90-year-old-woman-suffering-from-cancer-raped-in-kerala/story-JR052x1HijtNA1iYkTS7BN.html> report to the commission.

<sup>20</sup> <http://timesofindia.indiatimes.com/city/chandigarh/80-year-old-brutally-killed-in-haryana/articleshow/56366849.cms>

<sup>21</sup> <http://indiankanoon.org/doc/21362297/>

## **Government policy towards the protection of elderly people from victimization**

As per the Help age India and United Nations population fund's report, 90 million elderly persons were there in 2011 and the elderly people population will be increased up to 173 million in 2026<sup>22</sup>. The constitution of India mandates the Union and state governments to make policies and provisions for the protection and public support to the elderly people<sup>23</sup>.

In 1992, UN general assembly has passed a resolution on the "proclamation on ageing" and it urged the member country to achieve the intended policy compliance target on 2001. UN General Assembly in 2002 has adopted The Madrid Plan of Action and the United Nations Principles for Senior Citizens. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) has adopted the Shanghai Plan of Action 2002 and the Macau Outcome document 2007 for the protection and welfare of elderly people. These instruments have played vital role in framing new policies on elderly people in India.

Madrid international plan of action on ageing-2002) compels the member states to frame policies for the protection of elderly people from victimization. This plan has focused on the following three important aspects such as, improvement of the aged/elderly people, health care of aged people, and compassionate environment of the aged people.

As per article 5 of Madrid international plan of action on aging 2002, member countries must eliminate all kinds of discriminations including discrimination against aged people. It also provide the following rights to the elderly people such right to Dignity, right to live in secured and healthy. They also have the right to take part in the socio-economic and cultural activities<sup>24</sup>. As per article 5 along with article 8 of Madrid plan 2002, member countries must ensure the elimination of gender discrimination against aged women<sup>25</sup>. Article 7 urges the member

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<sup>22</sup> <http://vikaspedia.in/social-welfare/senior-citizens-welfare/senior-citizens-status-in-india>

<sup>23</sup> Article 41 of the Constitution of India 1950

<sup>24</sup> Madrid International Plan of Action on Ageing, Second World Assembly on Ageing, Madrid, Spain 8 -12 April 2002

<sup>25</sup> Madrid International Plan of Action on Ageing, Second World Assembly on Ageing, Madrid, Spain 8 -12 April 2002.

countries to keep “ageing as one of the development agentas<sup>26</sup>. After 1999, Indian government has framed new policy in 2011 and there is also a proposal on new policy<sup>27</sup>.

United Nations has declared 1999 as “the year for older persons” and urged the member countries to frame policies for the care and protection of elderly people. Indian government has framed a policy on elderly people in the year 1999 and it got amended in 2011. Current Union government of India is planning to introduce a new policy<sup>28</sup>.

From 1992 onwards, The Ministry of Social Justice and Empowerment is implementing a Central Sector Scheme of Integrated programme for Older Persons As per this scheme the non-governmental organizations which are running old age home or health care centers will get financial assistance up to 90-95% of their cost.

Ministry of rural development under National Social Assistance Programme, is implementing Indira Gandhi Old Age Pension Scheme for the elderly people who are below poverty line. As per this scheme, an elder who is aged 60-79 years can get INR 200 and an elder who is aged 80 and above can get INR 500 from Union government as pension per month. Union government also asked the appropriate state government to provide similar pension to the elderly people who are living in very poor conditions.

Ministry of railway has framed concession and accommodation schemes for elderly people. male senior citizens of minimum 60 years and female senior citizens of minimum 58 years are allowed railway concession in the basic fares of all trains and The portion of concession is 40% for men and 50% for women. Senior citizens, Female passengers of 45 years can avail lower berths while booking train tickets subject to the availability of seats. Each train must have a special quota for senior citizens<sup>29</sup>.

Brogden and Nijhar had stated that elderly victimization has occupied longer to move from the health and social work discourse of *abuse* to the rights-based discourse of *victimization*, which

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<sup>26</sup> Madrid International Plan of Action on Ageing, Second World Assembly on Ageing, Madrid, Spain 8 -12 April 2002.

<sup>27</sup> <http://indianexpress.com/article/lifestyle/food-wine/elderly-policy-india-welfare-thaawar-chand-gehlot-srikant-shinde-sumitra-mahajan-2936502/>

<sup>28</sup> <http://indianexpress.com/article/lifestyle/food-wine/elderly-policy-india-welfare-thaawar-chand-gehlot-srikant-shinde-sumitra-mahajan-2936502/>

<sup>29</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=117406>

necessitated a criminal justice response.<sup>30</sup> in child abuse related issues apart from traditional crime some additional acts are considered as crime such as, keeping child labour. Very recently government has mandated the parents to provide primary education to their children. In the above said cases, the government has framed the policy and converted the denial of such rights as criminal acts.

In 2007 Union government has passed an act for the protection of the parents and senior citizens from domestic victimization. This Act mandates the children to maintain their parents and senior citizens. It contains various schemes through this a senior citizen can benefit and protect him from victimization by their family members. It punish the children who has abandoned their parents or senior citizens.

### **Schemes under maintenance and welfare of senior citizens Act 2007**

#### **Maintenance application**

The parent or senior citizen who is unable to maintain himself can file maintenance application before the tribunal constituted by the government under section 5 for adjudicating the senior citizens maintenance cases. On behalf of senior citizen an authorized person or any voluntary organization which is looking after the senior citizen's welfare<sup>31</sup>. The maintenance application should be disposed of within 90 days. In case of any special circumstances then the court may take further 30 days for disposal of such maintenance application<sup>32</sup>. The senior citizen can file the maintenance application against one or more children who have received the property from the senior citizen. Before adjudicating the dispute, the tribunal shall refer the dispute to a conciliator; if there is no settlement in conciliation then the tribunal can adjudicate the same claim<sup>33</sup>. If the children have not appeared before the tribunal willfully then, the tribunal can decide the claim on ex part. However, the monthly amount shall not exceed INR 10,000 per month<sup>34</sup>. The tribunal also ordered to give interest for the maintenance amount which is pending

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<sup>30</sup>Victimology-Victimization and Victims' Rights by Lorraine Wolhuter, Neil Olley and David Denham Cavendish published by Routledge Taylor & Francis Group LONDON AND NEW YORK, 2009

<sup>31</sup> Section 4 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>32</sup> Section 5 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

<sup>33</sup> Section 6 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

<sup>34</sup> Section 9 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

from the date of the maintenance application and the interest shall not be less than 5% and more than 18%<sup>35</sup>.

However, a senior citizen cannot claim maintenance under this Act if he has claimed maintenance under Criminal procedure code chapter IX, section 125<sup>36</sup>. Compare to Criminal procedure code maintenance provisions, the Maintenance and Welfare of parents and Senior Citizens Act 2007 maintenance provisions are better for the senior citizens because, the special tribunal will hear the maintenance claim and maximum claim amount is of INR 10,000 per month. a senior citizen who has filed his claim before any court under Criminal procedure code which is pending before the commencement of this Act can withdraw his claim from that court and filed the same before the tribunal which is hearing the maintenance claim under this Act<sup>37</sup>.

The senior citizen can ask his son or daughter or grandson or granddaughter to maintain himself unless the child is a minor<sup>38</sup>. Under this Act the parent and senior citizen both can ask maintenance from their children; the parent who is in need of maintenance is not necessarily a senior citizen and he need not be biological parent of the child; even, step mother or father and adoptive father or mother also can claim maintenance<sup>39</sup>. The parent or the senior citizen can claim maintenance from his children for food, clothes and health<sup>40</sup>.

### **Punishment for abandonment**

This Act punishes the children or other person who is having the obligation to take care and protect the senior citizen left him in any place for abandoning shall be punished with simple imprisonment up to 3 months or fine up to INR 5000 or both. This offence is a cognizable and bailable. This provision is a welcome one; this provision indirectly deter the children as well as helpers of the senior citizens from leaving them or discard them.

### **Protection of property rights**

If the property of the senior citizen got transferred in the form of gift or any other form and the transferee has not providing any amenities or failed to fulfill the physical needs of the senior citizen then such transfer of property presumed to be done through coercion or un due influence

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<sup>35</sup> Section 14 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>36</sup> Section 12 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

<sup>37</sup> Proviso of section 14 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>38</sup> Section 2(a) r/w section 4 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>39</sup> Section 2(d) r/w section 4 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

<sup>40</sup> Section 2© r/w section 4 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

or fraud and such transfer become voidable. The affected senior citizen or on behalf of any other interested person can approach the tribunal. The tribunal can declare such transfer is void transfer<sup>41</sup>. if a senior citizen is getting maintenance from a property and it got transferred to another person with consideration still, the senior citizen get maintenance from such person<sup>42</sup>. This provision is a overriding provision; it overrides the transfer of property Act<sup>43</sup>.

### **Government's Obligation**

Government should appoint maintenance officer for filing maintenance claims on behalf of the senior citizen<sup>44</sup>. The state government shall establish the senior citizen's maintenance tribunals and appellate tribunal<sup>45</sup>. Each state governments must establish and maintain at least one old age home for accommodating indigent elderly people. This home must provide adequate facilities including medical facilities<sup>46</sup>. The government hospitals must provide prompt medical facilities to the senior citizens; special queues to be arranged in the hospitals for senior citizens<sup>47</sup>. This Act also mandate the government to create awareness to the elders about their rights and protections especially about the senior citizens Act. As per the help age India report, 33%of elders are aware of Laws and policies on the protection of elders and punishing elder abuse. out of this, only 18% of the elders are aware of the welfare of parents and senior citizens Act<sup>48</sup>.

### **High level policing measures**

The police department must increase the surveillance of the state and ensure that the criminals are not entering in to the residence of the elderly people. Some state governments has framed policy on the basis of the recommendations given by the home department of the Union government for protecting the old people from the criminals. This recommendations includes sensitizing police personals about the safety and security of the elderly people and establishment of special cell, toll-free number for hearing grievances of the crime against senior citizens<sup>49</sup>. A help age India report reveals that Burglary, theft and malastation are the common crime faced by

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<sup>41</sup> Section 23(1) of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>42</sup> Section 23(2) of The Maintenance and Welfare of parents and Senior Citizens Act 2007..

<sup>43</sup> Section 3 r/w section 23 of The Maintenance and Welfare of parents and Senior Citizens Act 2007

<sup>44</sup> Section 18 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>45</sup> Section 7 & 16 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>46</sup> Section 19 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>47</sup> Section 20 of The Maintenance and Welfare of parents and Senior Citizens Act 2007.

<sup>48</sup> Report on elder abuse & crime in india, published by HelpAge India in 2011.

<sup>49</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=117406>

the elders. Only 37% of elderly people are willing to take action against the perpetrators. most of the elderly are not willing to large their complaints due the fear of repeat victimization<sup>50</sup>.

Some state police departments have asked the elderly people to inform about their status to the police. Kolkata Police has started a project called “Pranam” for the safety, security and health care of elderly people in 2009. a permanent office has been established in ear Ballygunge Police station by the Kolkata police and this office is acting as a coordinating office. The elders are asked to register themselves with police and this office is issuing registration forms and keeping the data base of elderly people. A 24 hours helpline number also established for hearing grievances relating to elders<sup>51</sup>. Till August 2015, Under “Pranam” project about 12,000 elders got registered. Recently, the Kolkata police officials are asked to keep in touch with elders who have registered and patrolling their residences<sup>52</sup>. Chennai Police also has started registering elderly people from 2014 onwards. Till now, around 4,600 senior citizens have registered themselves with the police. After the recent murder of the elderly women in November, 2016, the police further urge the elderly people who are living alone to register themselves with the police<sup>53</sup>.

## **Conclusion**

The elderly people are having high crime fear due to their vulnerability from domestic and traditional perpetrators. though the senior citizens Act provides very sound maintenance schemes from their family still, elderly people are not getting benefits from this Act due to lack of awareness and societal fear. Though the senior citizens Act mandates state to render medical services and create old age homes for the elderly people still, there is no or inadequate action from government except very few schemes; so, government should play an active role and create more homes for the aged people. the senior citizens Act should be amended and render maintenance facilities to the elders who had taken care of their children whereas, they had not given any property to their children or they are not having any property especially, the children are wealthy or afford to maintain their parents or senior citizens.

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<sup>50</sup> Report on elder abuse & crime in india, published by HelpAge India in 2011.

<sup>51</sup> <http://www.kolkatapolice.gov.in/HTML/Pronam.html>.

<sup>52</sup> [http://zeenews.india.com/news/west-bengal/west-bengal-project-pranam-for-elderly-aims-to-broadbase\\_1639929.html](http://zeenews.india.com/news/west-bengal/west-bengal-project-pranam-for-elderly-aims-to-broadbase_1639929.html)

<sup>53</sup> <http://indiaelderconnect.com/news/police-revive-enumeration-of-senior-citizens-in-chennai/>

The routine activity theory urged the victim to play an active role in preventing himself or herself from the crime through alter the current crime prone situation. Elderly people must live with someone who is take care of him or live with group so that he can minimize the probability of becoming a victim of a crime. A police verification must be done of the person or persons who will be appointed to taking care of the elderly people so that, care takers of the elderly people may not become the perpetrator. The current generation must be sensitized about the care and protection of the elderly people.