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BREAK THE ICE - DOMESTIC VIOLENCE AGAINST SENIOR CITIZEN

Introduction

The population of the country is increasing rapidly. According to a recent report, India is poised to become the most populous country in the world by 2024.

Out of the half of the total population of the country is above 50 years of age. Most of them are not aware of their rights and privileges provided by the states. As the population grows, crime against the elders also increasing.

This article mainly concerned with domestic violence against senior and crimes recognized by various laws.

What is Domestic Violence

Majority of the families are suffering from Domestic abuse.

According to the U.S. Department of Justice Office on Violence Against Women⁽¹⁾ domestic violence is a pattern of abusive behaviour in any relationship used by one to gain or maintain control over another intimate partner.

The majority of people believe that the term domestic violence is only applicable to women. However, this is not true. Domestic violence is not only limited to women but also applies to any person living in a household. It may include an attempted assault or threats of imminent physical harm. It may take the form of sexual assault.

Domestic Abuse towards Elderly

Nowadays, we are aware of the increasing domestic violence against senior citizens through various sources. People aged above Fifty years and above are exposed to violence or abuse from their close relatives. This abuse can come from one's own children, other family members, or individuals living under the same roof.

1. Violence Against Women Act (VAWA), 1994 , Act of Congress (US)

Who is an Elder?

The term "elderly" is not defined anywhere. Although there are commonly used definitions of old age, there is no general rule on the age at which a person becomes old. The age of a person is calculated by marking a calendar year, which is equivalent to their biological age.

On the basis of such ages, individuals are classified into Child, Teenage, Adulthood, and Old age. Old age has been considered as the last stage of someone's life. In general practice a person at age of sixty or more than sixty are considered as a elder citizen under *the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.*⁽²⁾

Domestic Abuse towards Elderly

Domestic violence has no gender and age. Every individual are the as subject of the same.

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People aged above Fifty years and above are exposed to violence or abuse from their close relatives. This abuse can come from one's own children, other family members, or individuals living under the same roof.

In this present scenario, we can see that many elders are being abandoned at nearby religious institutions, bus stands, railway stations, and even on public roads by their close ones.

Unlike this many of them are voluntarily leave the house, since they are suffering from domestic abuse.⁽³⁾

2. Maintenance and Welfare of Parents and Senior Citizens Act, 2007, No. 56, Act of Parliament, 2007,(India).

3. NDTV , <https://www.ndtv.com/kerala-news/woman-arrested-for-allegedly-beating-75-year-old-mother-for-bedwetting-1631419/amp/1>, (Last visited 4/4/2024).

Types and reasons of elderly domestic violence

Types

1)Physical Abuse:

In this category, geriatrics suffer from physical body injury or abuse from their relatives. It includes attacks, attempts to attack, or apprehension of such bodily injury.

Example: A, aged 67 years old, has been paralyzed for more than 4 years. Her daughter-in-law compels her to sign a specific document related to a property, causing bodily injury, and ignores her medication and food.

2)Emotional/ Psychological abuse: It includes, harassment, insult to the elderly. In short it is infliction on mental anguish.

3) Financial abuse : It concerned with the inappropriate or illegal utilisation of funds and resources of elders.

4). Sexual abuse: it is the non consented sexually assaulted by relatives.

5) Neglect: Failing to take care of and provide sufficient maintenance to the elders by their own children.

Sunny Paul & Anr. Vs State Nct of Delhi & Ors.⁽⁴⁾

The Delhi High Court has ruled that children who abuse their parents while staying with them in their house can be evicted from the property.

Reasons for the Abuse

As a person ages, their health becomes more fragile. Elder abuse is caused by one of the reasons of their infirmities and age-related diseases.⁽⁵⁾ They have become more vulnerable and restless. At this old age, he is unable to withstand and react to the annoyance and mistreatment of his relatives. As long as there are elders present at this stage, they may experience domestic violence or abuse.

4. Sunny Paul & Anr. Vs State Nct of Delhi & Ors, AIR ONLINE 2018 DEL 1777.

5. The Hindu, <https://www.thehindu.com/news/cities/chennai/16-of-elderly-women-suffer-abuse-by-family-members/article66968710.ece>, (last visited 3/3/2024)

Redressal mechanism for Senior Citizens

Many older adults are unaware of the abuse redress system. There are certain legal provisions to protect elders from such abuses. However, the disadvantage of these rules is lack of knowledge about them. If it is practiced enough, it will benefit many adults. The those legislation are as follows

- Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ⁽⁶⁾

The Senior Citizens Act, officially called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was enacted by the Indian Parliament. This was landmark legislation initiated by the Ministry of Social Justice and Empowerment. The chief objective behind this law was to make the provision of maintenance and welfare to old parents and senior citizens more effective. As per the provisions of this enactment, it is the duty of adult children to maintain their elderly parents.

- Penalty under IPC 1860

Many seniors do not know that elder abuse in India is a punishable offense.

Section 506 : A person harassing senior citizens can be brought under Section 506 for criminal intimidation. ⁽⁷⁾

Section 294 : If the person is mentally or verbally abusive towards a senior citizen, a case under Section 294 can be brought into force. ⁽⁸⁾

6. Maintenance and Welfare of Parents and Senior Citizens Act, 2007 , No. 56, Act of Parliament, 2007(India)

7. Indian Penal Code, 1860, § 506, Act of Parliament, 1860, (India).

8. Indian Penal Code, 1860, § 294, Act of Parliament, 1860, (India).

Conclusion

From the above article, it can be clear that the term violence has no age itself. Any person is subjected to violence, regardless of their age and gender, especially domestic abuse. It might clarify the “so-called” belief of people that domestic violence is centered on married women at in-law’s house.

According to studies, elders are more likely to be put in peril through emotional abuse, physical abuse, sexual abuse, or neglect. It is, therefore, important to keep a close eye on your elderly loved one’s well-being and take action if you think any type of elder abuse is occurring. It is necessary that we unite together for the prevention of domestic violence against seniors.

Let’s come together against this elderly domestic abuse, even if it is not easy at all. We can try to minimize the ratio of it.

