

## Crime Against Senior Citizens in India: A Glaring Reality

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### **Abstract**

*With the advent of human civilization a plethora of concepts developed simultaneously such as society, family and property. Another concept that was developing at the same time was crime. Crime has been defined differently by different scholars; one general meaning of crime is an act which is violation of public law and for which punishment is given by the state. Crime can be of different categories as the penal provisions provide for crimes against human body, property, state, public order and so on. The National Crime Record Bureau (NCRB) in India which measures crime rate in India has introduced a new category under the heading crimes against senior citizens since 2014. This new entry makes it evident that senior citizens and parents are also subject to various crimes in our society. Senior citizens and parents are supposed to be maintained and taken care of. Instead, in the present times, many glaring examples of elderly abuse are in the limelight. The fact that NCRB has given entry to crimes against senior citizens only since 2014 does not signify that there was no crime against the elderly people before 2014. Rather, it indicates that there has been a steep rise in the number of reported cases against senior citizens recently. In this paper an attempt will be made to analyze the scenario of crimes against senior citizens by analyzing the statistics of National Crime Record Bureau of five years and by reviewing few leading newspaper articles covering the news of abuse or crime against senior citizens.*

**Keywords-** Senior Citizens, Elderly Abuse, NCRB.

### **I. Introduction**

While discussing crimes against the elderly, it is imperative to talk about the case of Lizzie Borden. She was accused of “killing her elderly parents with an

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axe, in Fall River, Massachusetts” based on circumstantial evidence.<sup>3</sup> She was acquitted by the jury in 1892 based on their notion that a ‘daughter’ and a ‘woman’ cannot commit such a heinous crime- let alone to her own parents. The reason this trial is essential in any study related to crimes against the elderly is because these crimes were unthinkable until recently. The crimes of Borden were reduced to “those of a disturbed woman within a dysfunctional family” since ‘normal’ people aren’t capable of such flagitiousness.<sup>4</sup> On closer examination of this case, it is possible to access how the society perceives family and familial relations. It is absolutely abnormal for a parent to be attacked or assaulted by their own child. Borden's act of barbarity at once attacked legal and moral foundations of the family as we know. It was only a century after the trial that academics in the West began to talk of family tergiversators. However, the method still, for a long time, remained to find faults in the mental state of the accused, rather than accepting that violence within families is indeed a reality.

India, like any other country, is seeing a surge in the number of old people. While India is a relatively new country and has one of the healthiest average ages, with gradual increase in life expectancy and a better module of healthcare, the elderly population of the nation is at a rise. Old age is one of the most delicate parts of a human life and the only thing that prioritizes the support of an elderly person is the affectionate care from their successors, relatives, loved ones and their dependents, at the age of their utmost requirement. Recent incidents validate the negligence of these children, relatives and lawful dependents in rightful performance of their duties towards the elderly. In most of the cases, the elderly is highly disappointed because s/he feels isolated, neglected and disrespected however in extreme cases they face harassment and abuse. Abuse in this context has been addressed as forceful and violent treatment. In extreme cases physical, verbal and sexual abuse have also been reported in case of elderly abuse. In the last few decades, the cases of elderly abuse and increasing rate of crime against them in India has led to a huge world of uncertainty and brutality.

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<sup>3</sup> Mike Brogden&PreetiNijhar, *Crime, Abuse and the Elderly*, Willan Publishing, Oregon, USA, (2000).

<sup>4</sup>*Id.*

Almost all religions teach that elderly persons are to be treated like God. Thus, the history of elderly abuse is not very vivid and not many records of elderly abuse can be recovered. An observation of Indian history will narrate traces of unhappy and unhealthy picture of the status of elderly persons. King Dashratha could hardly stop the injustice done to Ram. Even in the Mahabharata, Dhritarashtra, the father of Duryodhana, was helpless and could not stop the harassment on Draupadi. This only goes to show that the old members gradually lose the power of making decisions in a family. They lose their power to be assertive and do not command respect. Old age usually brings loneliness, depression, desertion to the elderly; but sometimes, this situation becomes more difficult because of abuse and an increasing rate of crime against them.

This paper intends to look at the crimes committed on the elderly by their family or their dependents in India.

## II. Conceptual Framework

The term 'elderly' in common parlance refers to any person who is above 60 years of age. In India, the rights of the elderly are mainly provided in the Indian Constitution under the Directive Principles of the State Policy. Article 41 of the Constitution of India has made provided for the State to introduce effective provisions and gives the right for doing jobs, education and public help in case of joblessness, old age, sickness and disablement. Whereas Article 46 the State shall encourage special attention and educational and economic interests of the people and protect from communal unfairness and other ways of manipulation.<sup>5</sup>

In India, the provisions for the maintenance of elderly are as follows:

### i. Hindu laws

The Statutory provision for maintenance of the aged is provided under Hindu Adoption and Maintenance Act, 1956. It is the first personnel law in India. Section 20 of the Act makes a requisite duty on the children to uphold their father and mother who are not unable to preserve themselves.<sup>6</sup>

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<sup>5</sup>Dilip Deshmukh, *Laws for senior citizens in India*(04<sup>th</sup> Sep, 2020)<https://www.legalservicesindia.com/article/2054/Laws-for-senior-citizens-in-india.html>

<sup>6</sup> Sakshi Jain, *Legal Provisions for elders under Indian law*(7<sup>th</sup> Apr, 2020) <https://blog.ipleaders.in/legalprovisions-elders-indian-law/>

## ii. Muslim laws

Under Muslim laws, according to Mulla, every child has the duty to maintain old poor parents. According to Tyabji, Under Hanafi law, the child has responsibility to maintain their parents and grandparents.<sup>7</sup>

## iii. The Code of Criminal Procedure

Section 125 of Cr.P.C is a secular law and applied to all religions. Under this Section 125, the magistrate may order sons, daughters, including married daughters to maintain their aged parents.<sup>8</sup> In **Vijaya Manohar Arbat Vs. Kashirao Rajaram Sawari & Anr**<sup>9</sup> the court held that daughters are also accountable to provide maintenance to their elderly parents.

## iv. Maintenance and Welfare of Parents and Senior Citizens Act (2007)

In India, considering the need for the maintenance of aged, besides these above provisions, The Parliament in the year 2007 enacted 'Maintenance and Welfare of Parents and Senior Citizen Act 2007', comprising of 32 sections. Under this Act, the children have the obligation to maintain their older parents. This Act also give the State Govt. to establish one or more maintenance tribunals. The tribunal is vested with the power of civil court and grant maintenance of allowance of Rs. 10,000 and the tribunal can give imprisoned for three months or pay a fine of Rs. 5000 or both.<sup>10</sup> In **M. Venugopal Vs. D.M Kanyakumari**<sup>11</sup>, it was held by the Court that the only condition to receive maintenance is that if seniors are unable to maintain themselves.

The noticeable legislative step taken in India by the name of Maintenance of Parents and Senior Citizen Act, 2007 under Section 2(h) as any Indian citizen who has attained the age of sixty years or above. Senior citizens or elderly persons deserve the utmost respect but of late it has been seen that many glaring examples of abuse and crime against senior citizens and parents have been witnessed. Elder abuse is a broad term which covers a single act or a repeated

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<sup>7</sup>*Id.*

<sup>8</sup>*Id.*

<sup>9</sup>VijayaManohar Arbat v. Kashirao Rajaram Sawari, AIR (1987) 2SCC 278

<sup>10</sup> Mahesh Choudhury & K.S Bhavana, *Law Relating to Parents and Senior Citizens- A Study* (12<sup>th</sup> May, 2020)SSRN: <https://ssrn.com>

<sup>11</sup>2014(5) CTC 162,1(2015)DMC202Mad,2014-4-LW412

act or lack of appropriate action which is expected to be trustworthy but instead is causing distress to older person. All the forms of elderly abuse like emotional, physical and sexual are covered in the abuse along with the neglect (Bhatia *et al.*, 2008). The elderly people are an integral part of a population of any country and deserve respect and attention equally like any other section. However, due to changing family structure and modernisation, the elderly population is facing inevitable challenges to live their life respectfully. Loneliness, negligence and less importance and illness due to ageing and against lack of treatment are the most treacherous conditions which elderly persons face. Elder abuse is a broad term which covers a single act or repeated acts of abuse or a lack of appropriate action which is expected to be trustworthy but instead is causing distress to an older person. All the forms of mistreatment to the elderly like emotional, physical and sexual are covered in abuse along with the neglect (Bhatia *et al.*, 2008). The awful truth is that the abusers are their family members, ironically, on whom they depend to the maximum (Kumar and Bhargava, 2014). Reis and Nahmiash (1998) estimated that 3.6% people over 65-years-old within the general population experience elder abuse and the prevalence of elder abuse was illustrated as an appropriate societal problem.

In India, crimes against the elderly have been increasing rapidly. Today, they are mostly the victims of various crimes like murder, serious injuries, cheating and brutality and they are inaccessible to other family members and neighbors due to lack of neighborhood involvement, dependence on others, family violence, vulnerability, defensibility etc. These incidents attracted the academicians as well as the policy makers and they try to pay notice to the various dimensions of these crimes.<sup>12</sup>

### **III. Crimes Against Elderly Persons as per NCRB**

The NCRB is one of the best sources for analysing crime in the country. It not only gives a statistics of existing crime but it is also an indicator of the changes in the society. One common understanding of increasing crime rate in the society is definitely the constant rise of population. Simply put, more the number of people more will be the increase in crime. Another glaring reality

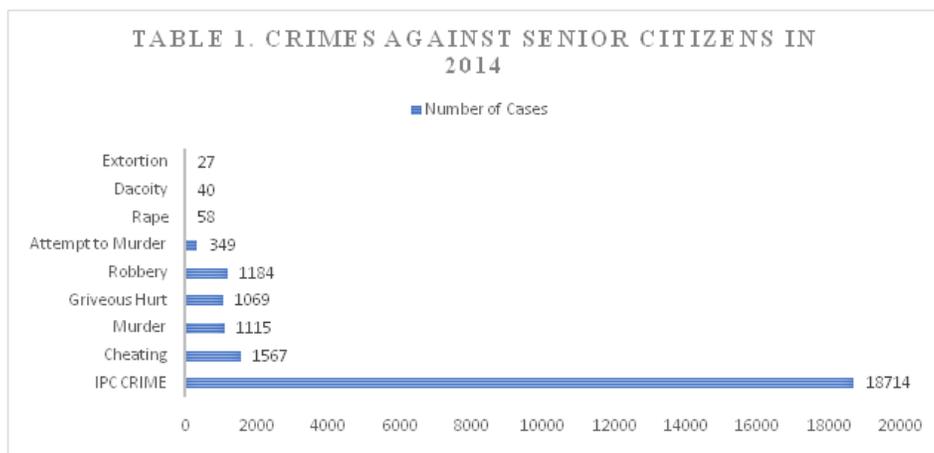
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<sup>12</sup>Anindya J. Mishra&Avanish Bhai Patel, Crimes Against the Elderly in India: A Content Analysis on factors causing fear of crime, IJCS (2013).

about the same is that people in the society with time have become more sensitised and they know how to raise their voice and the importance of doing so and thus there is a steep rise in the number of reported cases. Other than the two main observation as mentioned above, another evident fact about NCRB data is that it shows the new forms of crime which are increasing due to different factors. Out of the many new crimes which have found a recent mention in the data of NCRB, crimes against senior citizen is one of them.

In 2014, National Crime Record Bureau for the first time made an effort to analyze the various crimes committed against senior citizens of India under the head ‘Crime Against Senior Citizens’. For better understanding of the various trends and various heads of crime against elderly the ‘Crime in India’ report from 2014 to 2018 is as follows-

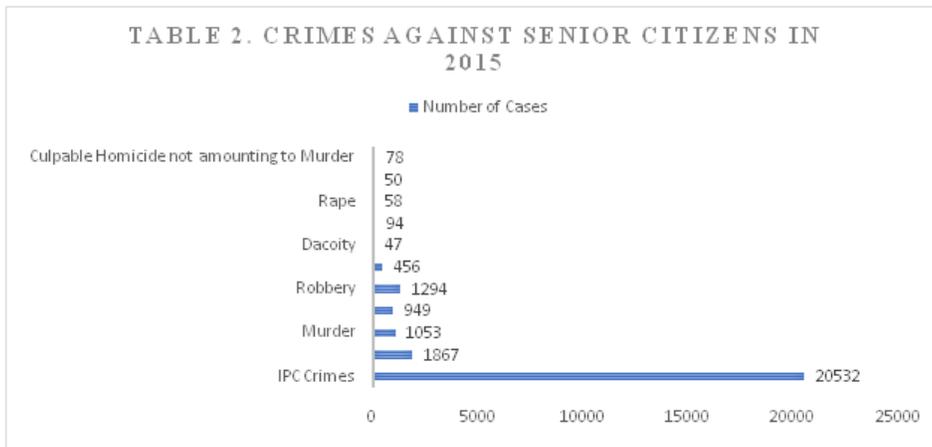
Table 1 below shows some of the major IPC crimes against senior citizens under ‘Crime in India 2014’<sup>13</sup>:



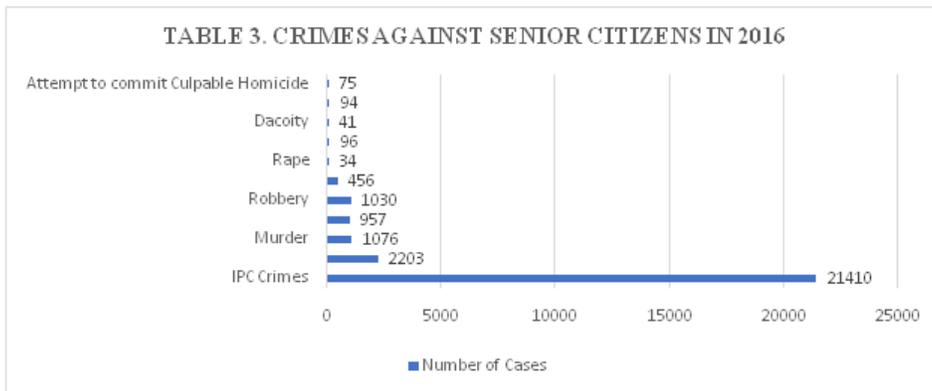
Major crimes committed on the elderly in 2015 can be represented as follows<sup>14</sup>:

<sup>13</sup>National Crime Record Bureau, Report: Crime in India 2014 (Ministry of Home Affairs, 2014)

<sup>14</sup>National Crime Record Bureau, Report: Crime in India 2015 (Ministry of Home Affairs, 2015)



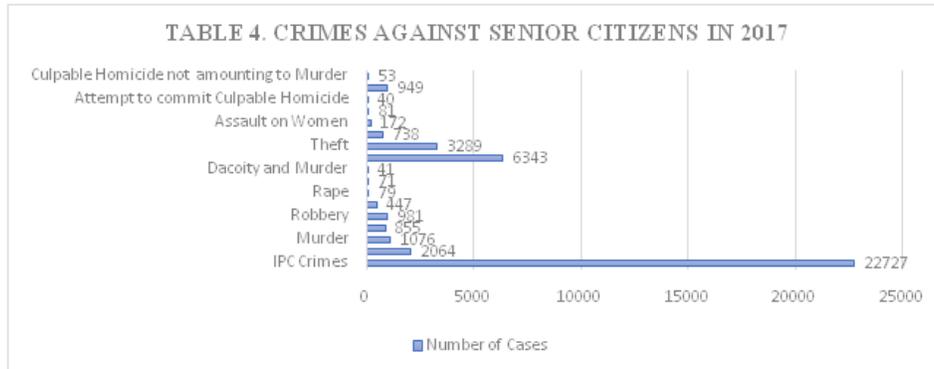
According to ‘Crime in India 2016’ the total number of IPC crimes committed against senior citizens in the year 2016 was 21,410 an increase from 20,532 in the year 2015. Some trends of crimes under ‘Crime in India 2016’ are represented diagrammatically as follows<sup>15</sup>



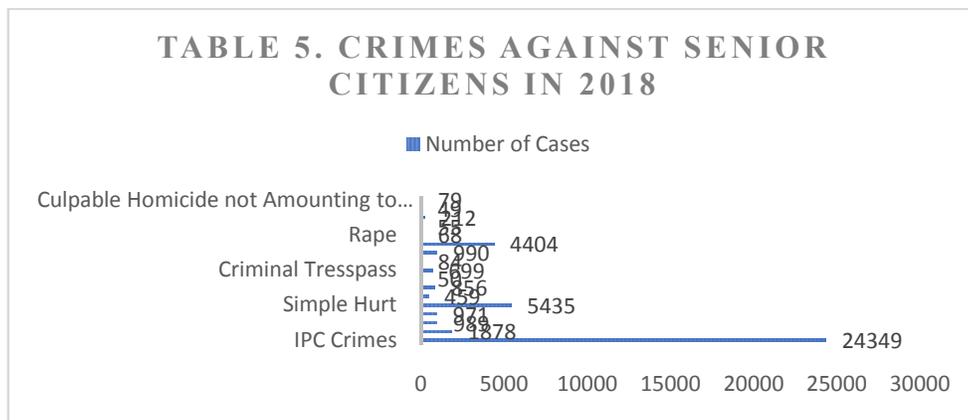
In the year 2017, the total number of IPC crimes against senior citizen were 22,727 wherein the maximum number of crimes were committed respectively in Maharashtra with 5321 cases, Madhya Pradesh with 4716 cases, Tamil Nadu with 2769 cases and Andhra Pradesh with 1823 cases.<sup>16</sup>

<sup>15</sup> National Crime Record Bureau, Report: Crime in India 2016 (Ministry of Home Affairs, 2016)

<sup>16</sup> National Crime Record Bureau, Report: Crime in India 2017 (Ministry of Home Affairs, 2017)



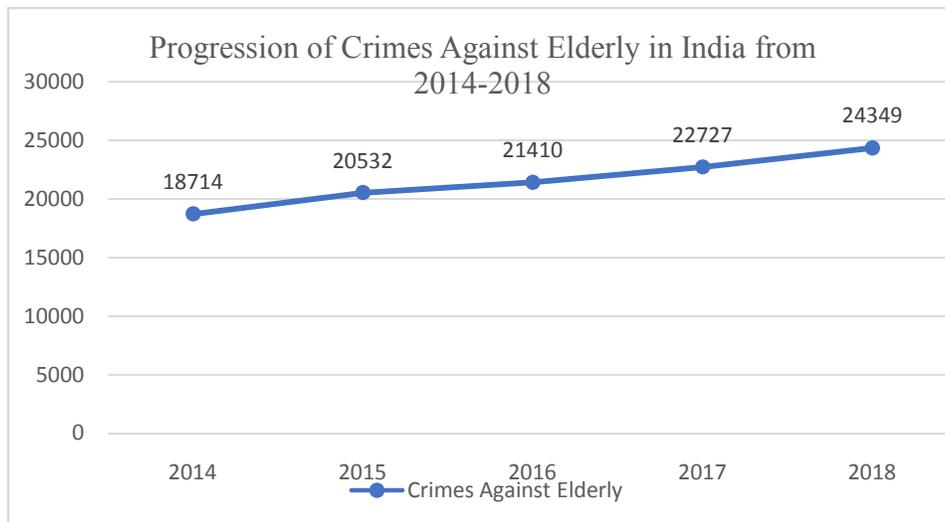
In 2018, the total number of IPC crimes committed against the senior citizens were 24,349 which was 22,727 in the previous year. Some trends of IPC crimes committed against senior citizens during the year 2018 are as follows:<sup>17</sup>



Based on the data above, the following graph shows the exponential increase of crimes against the elderly in India from 2014 to 2018:

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<sup>17</sup> National Crime Record Bureau, Report: Crime in India 2018 (Ministry of Home Affairs, 2018)



The crime rate against senior citizen has increased at an alarming rate in last few years and thus since 2014, crime against senior citizen is finding a mention in the National Crime and Research Bureau (NCRB).

As per the NCRB reports of 2014, 'murder against senior citizens' were reported high in Tamil Nadu (171 cases), Uttar Pradesh (170 cases), Maharashtra (167 cases) and Madhya Pradesh (116 cases) and these four states were accounted for 56% of the total count. As for that of 'attempt to Murder', 64 cases were reported in Tamil Nadu, 54 cases in Bihar and 52 cases in Maharashtra and all together, these states are accounted for 48.7% of the total.

'Grievous Hurt' against the elderly was high in the states of Maharashtra with 468 cases and 428 cases registered for the state of Madhya Pradesh and together these two states accounted for 51.6%.

For crimes like 'cheating', most of the cases were reported from Maharashtra (654 cases), Andhra Pradesh (156 cases), Rajasthan (138 cases) and Tamil Nadu (127 cases). These four states together accounted for 68.6% of the total number.

For 'robbery', 623 cases were registered in Maharashtra, 129 cases in Tamil Nadu and 100 cases in Delhi and together they are accounted for 72.0%.

As per NCRB report, crimes like robbery are on rise with 72.0%, Cheating 68.6%, Murder 56.0%, Grievous Hurt 51.6% and Attempt to Murder 48.7%.

#### **IV. Factors Responsible for Crimes Against Senior Citizens**

Our nation is viewed as interesting as in here we have culture of regarding our older folks however it is likewise a transgression to be old or old. There is a higher danger to the life of the old individuals in our nation; and we talk gladly of acquiring the incredible societies of humanism. The senior individuals have not been tossed out of the standard as far as possible however they are left without any assets and are seen powerless in their homes. Movement, urbanization, industrialization and globalization has driven scrambling of space in the urban communities, in this manner the elderly individuals are abandoned by their little youngsters so they can keep up their ideal ways of life

There are many other reasons why the elderly people become soft targets. The common reason is, elderly people are dependent on others, due to their declining health, infirmity, or due to disabilities. The need of care giving creates a situation where abuse towards the elderly people is more likely to occur. Senior citizen and elderly parents are in need of tender care and love but instead what they face is neglect, humiliation and a lot of abuse in different forms. They face discrimination, isolation and mistreatment. They are mistreated because they are considered useless, redundant and a burden.

Urbanization has also given rise to the increasing numbers of crimes towards the elderly people. Migration is on the rise and young people are moving to different places leaving behind their old parents helpless in their homes. This factor has affected the way of living and wellbeing of the elderly people. Crimes are on rise against elderly people them due to nuclear family trend.<sup>18</sup> The nuclear family system is overshadowing the joint family system in our society gradually. A sudden transition from a traditional society to a modern society has left the elderly to live alone and look for themselves.

Criminals consider the elderly people as easy targets because they are physically frail and they are less able to defend or care for themselves. Their vulnerability makes them soft targets for crime. Crime against the elderly people such as murder, financial crimes, fraud, burglary are the most common. Emotional abuse is another mode of violence. It could be verbal abuse; no

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<sup>18</sup> Supra 12

proper communication which makes them feel isolated, locking them up, terrorizing, blaming, humiliation, denial of food and so on constitute the same.

The elderly population are considered as the mainstays of our nation. They probably won't be a lot of dynamic like they were in their 20s and 30s, however their experience of life is significant of the current ages on the grounds that our seniors have seen the best and the most noticeably awful of both conventional and present day world.

## **V. Conclusion**

The human society is gradually criminalized. Every day we get to hear news of murder, sensational robberies, rapes, theft, kidnapping etc. to name a few. Crimes against the senior citizens in India is sharply on the rise. Living has become unpleasant, risky and unsafe. Our country India has become the dens of smugglers and criminals.

It is a sad reality that in the society today, the elder people are no more synonymous to love. They are seen as a burden whom nobody wants to carry. So they end up being either getting dumped in one of the old age homes or can be seen on the streets begging. It is extremely sad to see how the younger generation can easily abandon their parents who always supported them whenever they were in need of them.

While it is a revelation of sorts that crimes against the elderly have been on such a steep rise since the report of the NRCB came out in 2014, it is only logical to believe that one of the main reasons for this spike is the accessibility of the law for everyone in the society that has simultaneously gone up. It can be safely assumed that while these crimes have been going on for a long time, it is only now that these are regularly reported. While reportage of crimes is indeed a good sign, the rapid and exponential increase since 2014 is alarming.

The society and the government are equally responsible in the process of making things perfect and avoid crimes. Everything should start from the root level (Jenn, 2016). The best way to reduce crime against the elderly is strengthening joint families, parent and child relationships, social inclusion, spreading love, care, empathy, promoting gender equality and removing negative prejudices and myths against the elder people.