



## SENIOR CITIZENS AND HUMAN RIGHTS

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### ABSTRACT:

*Dignity and self-respect are the essence of human rights. Common threat to dignity and self-respect is a violation of human rights. Human rights are integral part of human beings. They are born with men in the sense human beings get them by birth.*

**KEYWORDS:** *Dignity and self-respect, Human rights.*

### INTRODUCTION:

Human rights as an expression may have a modern ring to it, but as a concern it is as ancient as Plato and Aristotle when 'humanity' literally started gaining ground. Scholars like them taught the then rulers that people were not subjects who are exclusively made to bow but also were 'human beings' who needed to be looked after—both physically and emotionally.

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human rights are, therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings, human rights are sometimes referred to 'as fundamental rights; basic rights, inherent rights, natural rights and birth rights. Although, it is difficult to define the expression 'human rights; it can be said that the idea of human rights is bound up with the idea of human dignity. All those rights which are essential for the maintenance of human dignity may be called human rights. Thus, human rights are based on elementary human needs as imperatives. Some of these human needs are elemental for sheer physical survival and health. Thus, human rights can be perceived and enumerated.

Rights being immunities denote that there is a guarantee that certain things ought not to be done to a person against his will. According to this concept, human beings, by virtue of their humanity, ought to be protected against unjust and degrading treatment.

One of the remarkable contributions of classical, medieval, modern and contemporary social and political thought to the culture and civilization of mankind should be traced in the reiteration of human rights. Facts indicate that the struggle to preserve, protect and promote human rights has remained till this day in each generation of the people belonging to any part of human society. It is as a result of struggles, the committed fighters could get something in the form of a great charter signed by the heads of states or a greater declaration made by their leaders to herald a new order of life. Today human rights have assumed significance of their own for the realization of a wholesome life. They are

indispensable. The matter through discussed at various international, multi-national and regional meets has now come to have a concrete form of its own after the General Assembly of United Nations adopted a Universal Declaration of Human Rights in 1948. Further developments in the same direction have done a miracle in changing the minds and thoughts of people who, like Plato and Aristotle have been in quest of a 'good life'.

Human rights, like fundamental rights, are paramount, eternal and transcendental in nature and ought to be treated as inalienable and inviolable for preserving for preserving the dignity of people.

These rights, however, cannot be imagined without the security and existence of a well regulated society. Society and the state can alone guarantee human rights to the individual but they also demand an observance of social norms from the citizens. All human beings, as citizens, have human rights. These are the rights which are inalienable because the enlightened conscience of the community would not permit surrender of them by any citizen even of his volition. These are the rights which are inviolable because they are not only vital for the development and efflorescence of human personality and for ensuring dignity, but also because without them men will be reduced to the level of animals.

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Little efforts have been made to create a comprehensive map of the totality of human rights, and there has been little discussion on the detailed content of particular rights. The most starting feature of the concept of human rights is that "they may be difficult to define but impossible to ignore."<sup>1</sup>

Man as a member of human society has some rights in order to survive as well as to make his life better. " Human rights are, therefore concerned with the dignity of Individual the level of self-esteem that secures personal identity and promotes human community."<sup>2</sup>

An American Secretary of State (Cyrus Vance) in his address of human Rights policy in 1977 defined the case of human rights as having three essential features: "First, there is the right to be free from governmental violation of the integrity of person. Such violations include torture, cruelty, inhuman or degrading treatment or punishment, and arbitrary arrest or imprisonment. They include denial of free public trial, and invasion of home. Secondly there is a right for the fulfillment of such vital needs as food, shelter, health care and education. We know the fulfillment of this right will depend, in part, upon the stage of a nation's economic development. But we also know that this right can be violated by Government's action-for example, through corrupt officialdom which directs resources to the class of elite at the expense of needy, or through indifference to the right of poor. Thirdly there is the right to enjoy civil and political liberties."<sup>3</sup>a sense, human rights are a species of moral rights, they are moral rights in which all persons are equal simply because they are human. To call them moral is to say that they are based upon or justifiable through a valid moral principle."<sup>4</sup> A perfectly plausible definition of them term 'human rights' is that they" are the rights that everyone has, and everyone equally, by virtue of their very humanity. They are grounded in our appeal to human nature".<sup>5</sup> United Nations charter refers to human rights in its preamble and six other articles. It (UN) has described human rights as follows:

"Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for like in which the inherent dignity and worth of each human being will receive respect and protection."

Ageing has become the world wide problem today. Persons who have served the society throughout their young age and even in the years of their gradually failing bodily strength upto sixty years, or even upto sixty-five years in some cases of service or public posts, have become retired persons and are being felt to be a burden upon their families and the State itself. The question arises whether they have any human rights or whether their hence before dependents and the society and the State have any moral duty towards them? Or whether they are to be treated as old cows and bullocks

which have been giving milk and life to and serving the nation itself, to be butchered and the bellies of the hungry society be filled by their flesh, and shoes are to be made of their skin?

Definitely not. The United Nations Organization is alert about the situation of the aged persons who are now being recognized as senior citizens. On December 16, 1991, the General Assembly of the United Nations has framed and adopted certain principles for the better existence of aged persons which are bowed on the International Plan of Action on Ageing. These principles are solicited by the United Nations to be incorporated by the Governments of different nations of the World to incorporate in their national programmes.

The question on the general rights of the aged persons was raised for the first time in 1948 before the General Assembly of the United Nations by Argentina when it submitted a Draft Declaration of Old Age Rights. The Draft was submitted to the Social Commission and the Commission on Human Rights through the Economic and Social Court for study and report.

The matter remained pending before the two Commissions aforesaid on their Agenda for many years without worthwhile consideration reaching to some definite result. The question for the Elderly and Aged was again raised in 1969 before the General Assembly for discussion at Malta. The matter was discussed in several sessions of the General Assembly for discussion at Malta. The matter was discussed in several sessions of the General Assembly and ultimately on December 16, 1977 the General Assembly decided to hold a World Assembly on the Elderly in 1982, which was renamed as the World Assembly on Ageing which was held at Vienna from July 26 to August 6, 1982. This World Assembly resolved that Fundamental and Inalienable Rights continued in the Universal Declaration of Human Rights applied fully to ageing and that the quality of life is as much important as the longevity, that the aged should be enabled to enjoy a life of fulfillment, health, security and contentment and that they should be treated as integral part of the society. A provision was also incorporated in the Plan of Action on Ageing for a periodic review and that appraisal of its implementation should be made by the commission for Development. In its resolution dated December 3, 1982 the General Assembly requested the Economic and Social Council to ask the Commission for social Development to review every fourth year the implementation of the Plan of Action on ageing. The Commission for the Social Development found and reported that even though considerable awareness relating to the problem of ageing of population had been created in many parts of the World, however no concrete measures have been adopted by the States for implementation of the Plan of Action. Then on November 30, 1987 tenth Anniversary of the Plan of Action Declared in 1982 was decided to be observed by the General Assembly, for increasing the global problems on Ageing. An Acton programme on ageing for 1992 and beyond was accordingly prepared by the secretary General and endorsed on December 14, 1990. A Decade on Ageing between 1992 to 2001 was also conceived and concreted and a series of promotional activities on the matter were focused in 1992.

As has been said in the beginning that on December 16, 1991, the General Assembly adopted the United Nations principles for Older Persons based on International Plan of Action on Ageing.

These principles may be mentioned in Five broad heads:

### **I) MAINTENANCE OF INDEPENDENCE OF AGED PERSONS:**

For the purpose of maintenance of independence of aged persons, the following things are essential :

- (i) They ought to have satisfactory access to sustenance, water, cover dress and medicinal services through the arrangement of pay, family and network backing and self improvement.
- (ii) They ought to have the chance to work or to approach other salary producing openings;
- (iii) They ought to have the capacity to take part in deciding when and what place withdrawal from the work drive happens.
- (iv) They ought to approach fitting instructive and preparing programs.
- (v) They ought to have the capacity to live in situations which are protected and versatile to individual inclination and evolving limits.
- (vi) They ought to have the capacity to live at home as far as might be feasible

## **II) PRINCIPLES FOR PARTICIPATION OF OLDER PERSONS IN FORMULATION AND IMPLEMENTATION OF POLICES, ETC:**

- (i) They should remain integrated in society, participate actively in formation and implementation of policies which directly affect their well being share their knowledge and skills with younger generations.
- (ii) They should be able to seek and develop opportunities for service in community and to serve as volunteers in positions appropriate to their interest and capabilities.
- (iii) They should be able to form movements or associations of older persons.

## **III) PRINCIPLES RELATING TO FAMILY AND COMMUNITY CARE :**

- (i) They should benefit from family and community care and protection in accordance with each system of cultural values of the society;
- (ii) They should have access to health care for helping themselves, maintaining or regaining the optimum level of physical, mental and emotional well being and to prevent or delay the onset of illness;
- (iii) They should have access to social and legal services to enhance their autonomy, protection and care;
- (iv) They should be able to utilize appropriate level of institutional care providing protection rehabilitation and social and mental stimulation in a human and secure environment;
- (v) They should be able to enjoy human rights and fundamental freedoms when residing in any shelter care or treatment facility including full respect to their dignity beliefs, need and privacy and for the right to make decisions about their care quality of their lives.

## **IV. PRINCIPLES RELATING TO THEIR DEVELOPMENT AND RESOURCES IN SOCIETY:**

- i) They should be able to live in dignity and security and be free of exploitation and physical and mental abuse.
- ii) They should be treated fairly regardless of age, gender racial or ethnic background disability or other status and be valued independently of their economic contribution.

## **POSITION OF AGED PERSONS IN INDIA:**

To respect aged persons has been one of the most basic principles of the Vedic Religion or Aryanism. The Aryans had divided their lives into four stages which they designated as Ashrams. The First relating to education in Gurkuls, the Second from 26<sup>th</sup> year to 50<sup>th</sup> year as Family life which they designated as Grihastha Ashram, the Third Stage of life was of leaving family life and reside in forests or Shelters of the Aged for self thinking as to reality of the universe, God and the Creatures and to give education to students in Gurukuls established in the forests, and this stage they called the Vanprastha Ashrama, and Last Stage of life of complete renunciation that is of Sanyasa Ashrama from 76<sup>th</sup> year to hundred or more or less years of their remaining lives. The problems which have been created by copying the western life were not in imagination even in the ancient India.

It has been told in a recent report of the United Nations that after fifty years the number of senior citizens in India may be more than the total population of her remaining citizens as such the Indian Government should think of some permanent welfare schemes relating them, the death rate is decreasing whereas birth rate is increasing. The position of older persons is miserable in the country. The number of begging old persons is increasing like anything. There are countless families in which old persons are facing loneliness even though they have flourishing families. They may be seen in great numbers in hospitals seeking their cure alone.

Since their productive capacity has decreased or completely finished, they do not get respect in the families as well as in society. The number of such older persons in India is considerable who have exhausted all their energies and means in maintaining and developing their dependents and have left nothing for themselves to pass their old age. In some cases the pension amounts of old persons also is taken and consumed by their descendants family members. The youth generation of today is far away

from the experiences of old persons. If these old men in destitute state remain without work, then the society itself will have to bear their bare expenses of projects. But the number of such Vridha Ashrama is very few. The Government should establish such Community homes for them in every village and Mohallas of towns, where they may be provided with some honorary work also, as their livelihood. The State Governments also have started old age pensions for persons below poverty line beyond sixty years the most and that also not to every such old man. There also are the middle men who devour these amounts also for their selfish ends. The bureaucracy of the country is mostly corrupt. The National Old aged persons plan is in fiction and not in practice.

Some facilities in taxation conveyance by railways, etc. are given t. But these facilities are not sufficient.

The State as well as the society has to think over seriously on the problems of old persons.

Article 41 of the Constitution mentions of old age that the State shall within the limits of its economic capacity and development, make effective provision for securing the right to work to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.

On January 13, 1999, the Central Government has approved the National policy about old persons, which shows that the State shall give economic assistance to old persons. Care for their health, Shelter and welfare are also taken for providing economic help to them. The State shall protect them against maltreatment and exploitation and will also provide employments to them, so that they may themselves improve the living standards.

The employees in government services are awarded pension facility provident fund, gratuity, etc Such facilities should also be awarded to those who are not in employment but in some independent professions or daily wage getting labourers. The Government have chalked out some welfare scheme for advocates, but it gives no practical advantage to them. In a socialistic country every unemployed young man or girl is awarded some worthwhile maintenance to have his both ends meet. Similarly the old aged also should be awarded old age maintenance from the State compulsorily without any if or but. They have served the nation throughout their working lives, now they are entitled to be maintained by the State.

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