RAJASTHAN STATE HUMAN RIGHTS COMMISSION

PROJECTS BY LAW STUDENTS

Chairperson,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

With best Compliments
RSHRC

RAJASTHAN STATE HUMAN RIGHTS COMMISSION

SECRETARIAT

Under the guidance of Hon'ble Mr. Justice N.K. Jain. (Former Chief Justice of Madras and Karnataka High Court) Chairperson, RSHRC

Prepared by:- Internship students of various law university and colleges.

Hon'ble Chairperson and Members of Rajasthan State Human Rights Commission are:

From 06-07-2005

Justice N.K. Jain, Chairperson
Justice Jagat Singh
Shri D.S. Meena
Shri Pukhraj Seervi

Hon'ble Chief Minister Shri Ashok Gehlot

PROJECT ON

TWILIGHT YEARS

With kind inspiration from Hon'ble Mr. Justice Nagendra Kumar Jain. (Former Chief Justice of Madras and Karnataka High Court) Chairperson - R.S.H.R.C

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Introduction

Old age - an unavoidable, undesirable, problem-ridden phase of life that we all are compelled to live, marking time until our final exit from life itself.

CHARACTERISTICS

- Physical weakness
- Mental weakness
- Lack of confidence

PROBLEMS

"Growing old is like being increasingly penalized for a crime you haven't committed."

While journeying through life one has to make endless adjustments with many unexpected, perplexing, difficult situations.

The twilight years ought to have been the best years of a person's life; freed from the responsibility of having to make a living, one finally has all the time to actually live - 'sit in shade, reliving the good old times, letting bad memories fade.'

- In the said old age, there can be an embarrassment to life from the viewpoint of success standards
- Their children are in the chief of their lives and repeatedly the children's plans do not include them.
Senior citizen finds himself out of phase with the younger generations of children and grandchildren. Therefore a hazardous trend can get started toward hypercriticism.

Problems Of The Aged:
Problems of the aged as follows:
(i) Economic problems, include such problems as loss of employment, income deficiency and economic insecurity.
(ii) Physical and physiological problems, include health and medical problems, nutritional deficiency, and the problem of adequate housing etc.
(iii) Psycho-social problem which cover problems related with their psychological and social maladjustment as well as the problem of elder abuse etc.

Disease Vs Ageing
In both ageing and senescence, many Physiologic functions decline, but normal decline is not usually considered the same as disease

The findings of an ICMR survey conducted in elderly persons over 60 years of age attending geriatric clinics in rural areas is shown below:

<table>
<thead>
<tr>
<th>Ailment</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual impairment/complaint</td>
<td>40.0</td>
</tr>
<tr>
<td>Locomotive disorder, joint muscles</td>
<td>18.7</td>
</tr>
<tr>
<td>Neurological complaints</td>
<td>17.4</td>
</tr>
<tr>
<td>Cardiovascular disease</td>
<td>16.1</td>
</tr>
<tr>
<td>Respiratory disorder</td>
<td>13.3</td>
</tr>
<tr>
<td>Skin conditions</td>
<td>9.0</td>
</tr>
<tr>
<td>Gastro intestinal / abdominal disorder</td>
<td>8.5</td>
</tr>
<tr>
<td>Psychiatric problem</td>
<td>8.2</td>
</tr>
<tr>
<td>Hearing loss</td>
<td>3.5</td>
</tr>
<tr>
<td>Genito urinary disorder</td>
<td>8.0</td>
</tr>
</tbody>
</table>
Health Problems

Having rendered service for a lifetime, the organs and senses seem to stutter, gasp, choke and wheeze before finally quitting. Minor ailments and major diseases rear their heads and waking hours are preoccupied with symptoms and pills, diets and therapies.

To make things worse, old age also means an old and failing body which will simply not cooperate and lets one down ever so often. Even if one does not become sans eyes, sans teeth, sans everything right away, one does begin to slow down physically right away, one does begin to slow down physically

Rights Of Senior Citizen : Need Of The Hour

By despising all that has preceded us, we teach others to despise our self. Ageing is a natural process, which inevitably occurs in human life cycle. It brings with a host of challenges in the life of the elderly, which are mostly engineered by the changes in their body, mind, thought process and the living patterns. Ageing refers to a decline in the functional capacity of the organs of the human body, which occurs mostly due to physiological transformation, it never imply that everything has been finished. The senior citizens constitute a precious reservoir of such human resource as is gifted with knowledge of various sorts, varied experiences and deep insights. Maybe they have formally retired, yet an overwhelming majority of them are physically fit and mentally alert. Hence, given an appropriate opportunity, they are in a position to make significant contribution to the socio-economic development of their nation.

Protection To Old

National Efforts:

(I) Constitutional Protection:

Art. 41 : Right to work, to education and to public assistance in certain cases : The State shall, within the limits of 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.

Art. 46 : Promotion of educational and economic interests of...... and other weaker sections : The State shall promote with special care the educational and economic interests of the weaker sections of the people...... and shall protect them from social injustice and all forms of exploitation.
THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

AN ACT
to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution and for matters connected therewith or incidental thereto

Under Personal Laws:
The moral duty to maintain parents is recognized by all people. However, so far as law is concerned, the position and extent of such liability varies from community to community.

(I) Hindus Laws:
Amongst the Hindus, the obligation of sons to maintain their aged parents, who were not able to maintain themselves out of their own earning and property, was recognized even in early texts.

(II) Muslim Law:
Children have a duty to maintain their aged parents even under the Muslim law.

(IV) Governmental Protections:
1. The Government of India approved the National Policy for Older Persons on January 13, 1999 in order to accelerate welfare measures and empowering the elderly in ways beneficial for them. This policy included the following major steps:
   (i) Setting up of a pension fund for ensuring security for those persons who have been serving in the unorganized sector,
   (ii) Construction of old age homes and day care centers for every 3-4 districts,
   (iii) Establishment of resource centers and re-employment bureaus for people above 60 years,
   (iv) Concessional rail/air fares for travel within and between cities, i.e., 30% discount in train and 50% in Indian Airlines,
   (v) Enacting legislation for ensuring compulsory geriatric care in all the public hospitals.

2. The Ministry of Justice and Empowerment has announced regarding the setting up of a National Council for Older Persons called ageWell Foundation. It will seek opinion of aged on measures to
make life easier for them.

3. Attempts to sensitise school children to live and work with the elderly. Setting up of a round the clock help line and discouraging social ostracism of the older persons are being taken up.

4. The government policy encourages a prompt settlement of pension, provident fund (PF), gratuity, etc., in order to save the superannuated persons from any hardships. It also encourages to make the taxation policies elder sensitive.

5. The policy also accords high priority to their health care needs.

6. According to Sec. 88-B, 88-D and 88-DDB of Income Tax Act there are discount in tax for the elderly persons.
7. Life Insurance Corporation of India (LIC) has also been providing several schemes for the benefit of aged persons, i.e., Jeevan Dhara, Jeevan Aarogyam, Jeevan Akshay Yojana, Senior Citizen Unit Yojana, Medical Insurance Yojana.

8. Former Prime Minister A.B. Vajpayee was also launched ‘Annapurna Yojana’ for the benefit of aged persons. Under this yojana, unattended aged persons are being given 10 kg food for every month.

9. It is proposed to allot 10 percent of the houses constructed under government schemes for the urban and rural lower income segments to the elderly persons on easy loan.

**Schemes**

- Integrated Programme for Older Persons
- Scheme of Assistance to Panchayati Raj Institutions
- Central Government Health Scheme
- National Mental Health Programme
75 साल के बुजुर्ग ने की आत्महत्या की गुहार

देवनागरी: राजस्थान पत्रिका 8

संस्कारों की कमी के कारण बुजुर्ग परेशान: जैन

देवनागरी: राजस्थान पत्रिका 6

नहीं थम रहे बुजुर्गों पर अत्याचार
**ROLE OF SOCIETY**

It may be conclude by saying that the problem of the elderly must be addressed urgently and with utmost care. There is urgent need to amend the Constitution for the special provision to protection of aged person and bring it in the periphery of fundamental right, with the degeneration of joint family system, dislocation of familiar bonds and loss of respect for the aged person, the family in modern times should not be thought to be a secure place for them. Thus, it should be the Constitutional duty of the State to make an Act for the welfare and extra protection of the senior citizen including palliative care.

This participation of senior citizen must result in an end to their social isolation ad an increase in their general satisfaction with their life. Any attempt to secure the help of the elderly in offering their service to the nation must simultaneously ensure some sort of package of services aimed at arranging for them a better quality of life and a well-designed social security network for the senior citizen. The society and the state in India need to accept the challenge of their effectively focusing their attention on the following twin issues of:
(i) how to provide a fair-deal to the senior citizens so that they are able to peacefully, constructively and satisfactorily pass their lives; and
(ii) how to utilize the vast treasure of knowledge and rich life experience of the older people so that they are able to utilize their remaining energies and contribute to the all round development of their nation.

**CONCLUSION**

Old age is inevitable phase of a person’s life. We all have to go through it. Government has taken various measures. Pension is being provided to government employees which is enough for them.

"But what about the non - governmental employees????"

It is duty of society to take care of aged who don't have enough resources so that they can lead an honourable life during twilight years.

Following table shows the data regarding government pensioners.
These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.

Teachers of various school are interacting with the students on these issues in zero hours.

About legal aid committees, NGO’s / Educational Institutions above 55, and some Newspapers have re-printed/Published these booklets as intimated and about 80,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.

For the awareness of the human rights in public at large, Justice Jain has wrote about 31 booklets of various legal issues. Out of these booklets 18 booklets have been published by the R.S.H.R.C. Many other organizations, District Legal Aid Authorities, Departments, Schools, Colleges etc. has also published some booklets like Women, Children, Dalits, Arrest, HIV/AIDS, Human Rights etc. by the permission of the Commission. They have distributed these booklets in 80000 in numbers.

Some of these booklets are available on Commission’s website www.rshrc.nic.in and justicenagendrakjain.com. English translation of Some booklets are also available on a German website hereonow4u.de.

These books are:
Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India

“We are proud to be Indian”

It shall be the duty of every citizen of India:
(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals, which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional diversities, to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;
(g) to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
(h) to develop the Scientific temper, Humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to abjure violence;
(j) to shed out of general excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

“BE AWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION.”

Chairperson: Justice N.K. Jain (Chairperson, State Judicial Services and Samajik High Court)
In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:

- Students of some institutions reciting the Oath as per Article 51(A) of Constitution of India under the guidelines of RSHRC.
Students reciting the pledge.

Rajasthan State Human Rights Commission

“BEWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION”
Chairperson : Justice N.K. Jain

ACKNOWLEDGEMENT

I Kanak Chaturvedi would like to acknowledge Mr. N.K. Jain, Chairman Human rights commission, Rajasthan under whose able guidance I have been able to accomplish my project on the topic “MANAGING STRESS AMONG CHILDREN”. I would like to thank him for his sparing his valuable time.
I have prepared the respective project during my internship under Rajasthan State Human Rights commission, Jaipur.

Project has been prepared as per the material from different booklet of the commission and the material obtain from different other sources.

The same can be exhibited in School/Colleges/University and other places under legal literacy and awareness programme to the general public to know about human rights, as per direction of the chairperson of the commission.

KANAK CHATURVEDI