

CRIMES ON ELDERLY CITIZENS

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ABSTRACT

In India, persons aged 60 or above are considered elderly or senior citizens. The United Nations Organisation also treats persons aged 60 years or more as elderly. Those who are between 60 and 74 years old are referred to as younger-old and those who are 75 or more years referred to as old age (GESS, 2009:20). According to Census 2001, the population of India was 1.02 billion. The total number of the elderly population was 7.7 crores in which population of men and women are 3.8 crores and 3.9 crores respectively. This population is growing day by day as life expectancy has increased from 40 years in 1951 to 64 years. The growth rate of elderly (3.09) is higher than that of the general population (1.9) and the elderly have constituted 7.5% of the total population of the country (GESS, 2009:20). There are three objectives of this article. The first is to explore the factors affecting crime against the elderly and the fear of crime among the elderly. The second is to identify the victim-offender relationship. Finally, the article outlines the different types of crimes against the elderly.

KEY WORDS: *Offence, Criminology, Elderly, Victim.*

INTRODUCTION:

There is a steady rise in the population of older persons in India, from 19.8 million in 1951 to 76 million in 2001 and projections indicate that the number of 60 or more years in India will increase to 100 million in 2013 and 198 million in 2030 (Ganapathy, 2011:1). Himachal Pradesh, Punjab, Uttarakhand, Haryana, Orissa, Maharashtra, Andhra Pradesh, Karnataka, Goa, Kerala, Tamil Nadu and Pondicherry have more than the national

average 7.5% of the proportion of the elderly population (HelpAge India, 2011:1). With the steady increase of old persons the rate of their problems is also increasing in which fear of crime among the elderly and abuse and violence against the elderly are major problems.

In the era of consumerism, human beings are aspiring to augment their social status and material wealth. To achieve this, many of them resort to the path of crime as an instant way to accomplish the goal. It is an important reason for the alarming speed at which the crime rate is increasing in Indian society as well. It has certainly affected the way of life and sense of well-being. The fear of crime against the elderly is being recognized as an emerging social problem.

A closer examination of the Indian social system brings forth the fact that the elderly have always been revered and respected for virtues such as wisdom and experience. This attributed the higher social status of the elderly. The ethos has been deeply rooted in the religious, cultural and ethical dimensions of Indian society. The elderly have always enjoyed the decision making power in the context of family and community at large. They have traditionally provided the younger generation with care and guidance which has played a nurturing role in society.

The sweeping changes brought about by industrialization, urbanization and globalization have eroded the traditional status of the elderly. It has not only affected the decision making the power of the elderly but, has also been a catalyst in bringing a number of problems before them.

Today, they are facing a number of problems such as fear of crime, abuse, maltreatment, mental and physical torture and heedless ignominy from the family and society. Sometimes elderly live in fear of crime due to their vulnerability which can be as harmful as the crime itself.

Among the aforementioned problems, rising crime in different forms against the elderly has become an urgent issue across the country.

According to a recent study, India is one of the fastest growing economies in the world. This economic growth has also brought problems inherent to rapid urbanization and modernization. These problems include migration from rural to urban areas, high level of poverty, inner-city neighborhood. As a result of prior victimization, region and neighborhood effects are associated with predicting of fear of crime. This study has claimed that the fear of crime appeared to be stronger among the middle classes than the lower and higher classes (Nalla, Joseph and Smith, 2011:141,145). It found that demographic factors such as gender, physical vulnerability

and neighbourhood factors played an important role in the genesis of fear of crime among the elderly. The fear of crime was related to both crimes against property and violent crimes (Raccato, 2007:120).

According to National Crime Record Bureau report, 32,496 senior citizens were murdered in India from 2001 to 2010. The criminologists have rightly pointed out the problem in question is not only an issue of law and order; but, it is also embedded in the social realities and circumstances; hence it has some serious sociological implications. These murders could also be the extension of the isolation of old people in the society (Das, 2009: 21).

Recently, a few cases of crime against the elderly were reported in the newspapers. These cases related to murder, robbery and cheating. In the last six months, six elderly women were murdered after the robbery in their homes in Lucknow. After investigating, it is found that these elderly women were living alone in their home (Times of India, March 20, 2012). Similarly, in the middle of May 2012, an elderly couple was murdered after the robbery in his home, one night, in Roorkee (DanikJagaran, May 14, 2012). Moreover, another case related to crime against the elderly has been found in Western Uttar Pradesh, where a son murdered his father with a sharp object (DanikJagaran, April 4, 2012). Furthermore, three cases related to crime against the elderly have been highlighted in Madhya Pradesh. In these cases a son murdered and another son beat his father. While an elderly woman was robbed on the way ([HTTP:// www.bhaskar.com](http://www.bhaskar.com), May, 14, 2012).

METHODOLOGY:

This article is based on secondary data. The data was collected from the National Crime Record Bureau. The National Crime Record Bureau collects data on the elderly through State Crime record Bureaus and Union Territories. This data provides an indication of the level of reporting of crime against the elderly in India.

THEORETICAL BACKGROUND:

Definition of Concepts

According to National Center on Elder Abuse (2008), “Elder abuse or crime against the elderly is a term referring to any knowing, intentional or negligent act by a caregiver or any other person such as family members or relatives that causes harm or serious risk of harm to a vulnerable adult” (Gupta and Chaudhari, 2008:375) . Further, the International Network for Prevention of Elderly Abuse stated that elder abuse or crime against the elderly is “neglect, violation of human legal and medical rights and deprivation of the elderly”. Here the violence is not just physical but also, psychological and economic (Ganapathy, 2011:1).

CRIMINOLOGICAL APPROACH AND CRIME AGAINST THE AGED PEOPLE:

Criminology is the study of crime, criminals and its treatment. Crime against the elderly is studied through the criminological approach. There are three principles of criminology, namely, sociology of law, criminal etiology and penology (Sutherland and Cressey, 2011:3). Criminology observations committing of crime against the aged as a criminal occurrence; sociology of law is the study of crime and criminality as a social phenomenon. It is the scientific analysis of social conditions which are responsible for criminal behavior.

Criminology perceives that crime or abuse against the aged is the criminal behavior which disrupts human rights and breaks criminal law. No matter what the mark of wickedness and offensiveness of an act, any criminal or abusive activity is not an offence; unless it is prohibited by the criminal law.

Criminal etiology analyses the causes of crime including those conditions which lead to committing of crimes. Criminal etiology sees that living alone, lack of social and family support, migration, vulnerability, inner-city neighborhood lack of communication and breaking of joint family system are major causes of crime and fear of crime among the elderly. Penology is the study of the penal code and crime control and explores remedies which may help in the protection of victims.

FEAR OF OFFENCE AGAINST THE ELDERLY:

There are various causes that lead to crimes against the elderly. Defensibility is seen as the level of protection provided by the society which helps reduces the fear of the elderly. Lack of neighborhood involvement was a major factor for fear among the elderly. Those who involved in social activities felt safer than those who were socially isolated. Further, those who lived alone and were not able to talk with others also feared for their safety. Similarly, depending on others, family violence. Environmental, clues and conditions, personal knowledge of the crime and the seriousness of various offences were also factors of fear of crime (Latha, 2008:474, Box, Hale and Andrews, 1988:341). Moreover, the vulnerability factor referred to various defects in the living environment that were perceived as fear by the elderly. Finally, loss of anything important such as friend/s or job was a factor causing fear among the elderly. An elderly deprived of friends, family, job, or routine might become depressed and could, in some instances, be a target for swindlers.

VICTIM-OFFENDER RELATIONSHIP:

A victim-offender relationship is the most important elements in the study of fear of crime among the elderly. We can claim that the victim-offender relationship arises due to social disorganization. Social

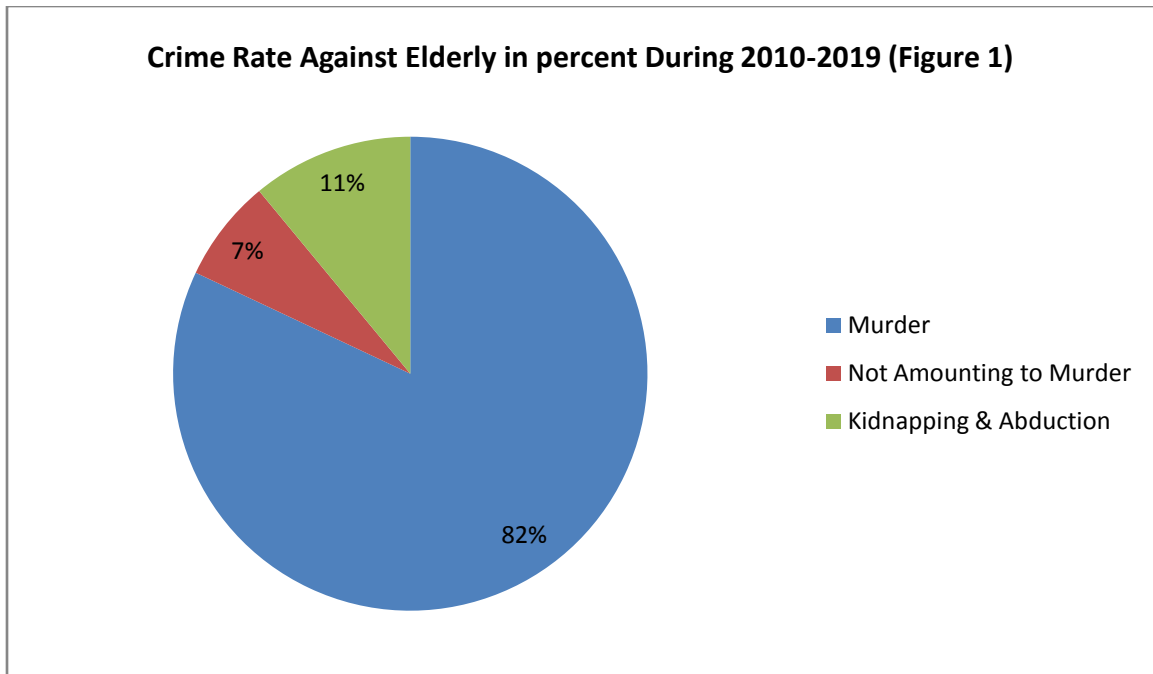
disorganization is a strong predictor of abusive behavior against the elderly. Social disorganization has affected the norms and values of the society, social control, collective efficacy and social cohesion (DeLone, 2008:117 and Nalla, Joseph and Smith, 2011:141,143). Social disorganization refers to the breakdown in traditional social control and organization in the society, community, neighborhood and family.

We can discuss the victim-offender relationship as a consequence of social disorganization. Social disorganization weakens social bonds such as commitment, attachment, involvement and belief.

In India, many researchers have tried to explore the relationships between elderly victims and offenders. Patel (2010) study on crime against the elderly in Madhya Pradesh cited above states that 25% crimes against the elderly were committed by their own family members; particularly the son, daughter-in-law, relatives and neighbors. In some cases, servants were involved in crimes. She explained that the causes responsible for the crime against the elderly were property and land disputes, caste rivalries, living alone, lack of attention of the police to crimes against elderly and rural factionalism.

Further, the study by Rufus D. and Shekhar (2011) in Tirunelveli district of Tamil Nadu revealed that many of the respondents had been abused financially, emotionally and physically by their own family members. Similarly, Sebastian and Sekhar (2011) found that in Kerala elderly women especially widows were more affected by mistreatment. Son, daughter, son-in-law, servant and others mistreated elderly physically, verbally and financially. Moreover, Bagga and Sakurkar (2011) found that elderly women in Pune were ill-treated by their close relatives such as daughter- in- law (43.5%), son (21.7%), husband (8.6%) and neighbor (4.3%).

These studies reveal that the elderly are not safe in their own family and neighborhood because today crime against the elderly is committed in the family as well as in their neighborhood. Today elderly are targeted for murder, sexual assault, grievous hurt, neglectful and abusive behavior. The neighbor, relatives, children and strangers target them for various types of crime and abuse.



VARIOUS FORMS OF CRIME AGAINST THE ELDERLY:

Theft is common crimes in India. It is the crime of stealing something from a person or place burglary, robbery and mugging are its examples. Cheating is to trick or deceive somebody, especially in a relationship of trust with the other person. Kidnapping is also a form of crime against the elderly as well as fear of crime (Das, 2009:22). Further, abusive and neglectful behavior also causes fear among the elderly.

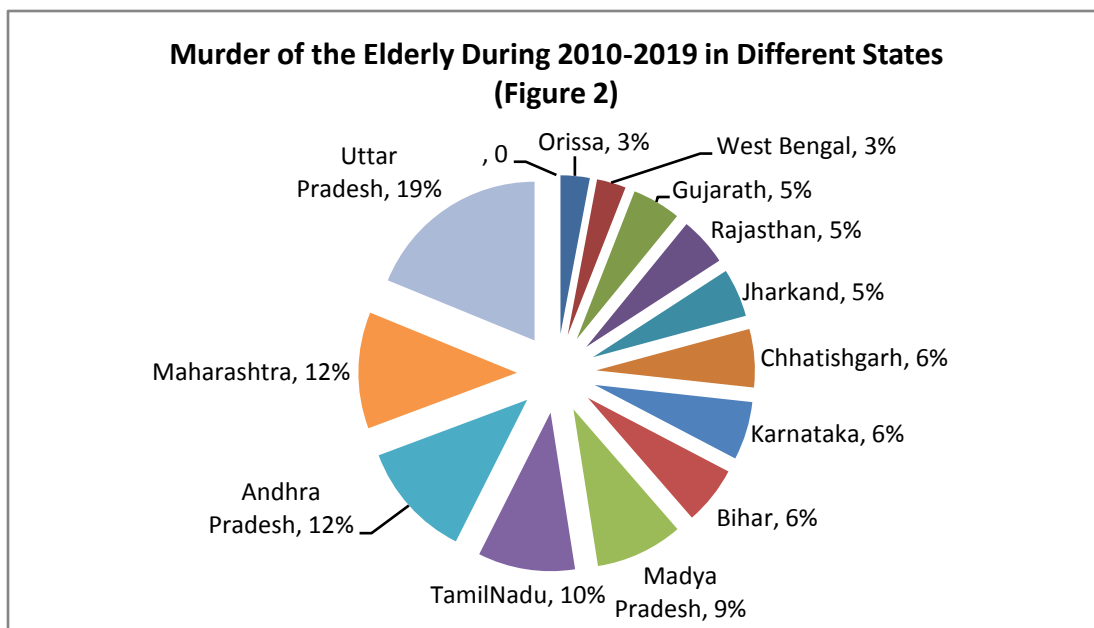
The various types of abuses are mistreatment, cruelty, ill-treatment, violence, maltreatment, neglect, exploitation, misuse, manipulation, taking advantage, mishandling, misapplication, insults, verbal abuse, swearing, name-calling, foul language, treat badly, molestation, physical abuse such as being violent toward, batter, hurt, harm, injure, shout abuse, hurt abuse (Gupta and Chaudhury, 2008: 383,384 and Rufus and Shekhar, 2011:33) . Moreover, an assault is an attack or fear of bodily harm, an unlawful threat of bodily violence or harm to somebody else, or an attempt to do such violence or harm. Finally, murder is the worst form of crime against humanity. Today, murder cases are increasing fast against the elderly (Patel, 2010:395).

DATA ON CRIMES AGAINST THE SENIOR CITIZEN:

Figure1 shows that incidents of different types of crimes that have been committed against the elderly during the period 2010 to 2019. During this period a total of 35,392 (85%) incidents of crimes related to murder had been reported compared to 2,810 kidnappings and 3,510assaults not amounting to murder. Further, a total of

3,164 incidents of crimes relating to murder had been reported in the country during the year 2010. In 2012 and 2013 a total of 3,489 and 3,512 incidents of crimes relating to murder showed a declining trend. But again rose from 2014 to 2016. A total of 3,934 incidents of crimes relating to murder were reported in 2019 as compared 3,322 and 3,152murder cases reported during 2018 and 2019 March.

The data on the murders of the elderly in different states are shown in figure 2. The figure is showing that a total of 19% of incidents of crimes relating to elderly murder had been reported. The highest number of cases had been from Uttar Pradesh as compared to other states during the period. Further, a total of 12% and 11% incidents of crimes relating to murder had been reported in Maharashtra and Andhra Pradesh as compared 10% and 9% incidents of crimes relating to murder reported in Tamil Nadu and Madhya Pradesh. In Bihar, 6%, Karnataka 6% and Chhattisgarh 6% incidents of crimes relating to murder had been reported as compared in Jharkhand 5%, Rajasthan 5% and Gujarat 5% murder cases were reported. The lowest number of cases of murder of the elderly was reported from West Bengal 3% and Odisha 3%.



LEGAL PROVISIONS FOR THE PROTECTION AND WELFARE OF THE ELDERLY:

Special laws have been implemented by the Government of India for the protection and dignity of the elderly. In the year of 1956, Hindu Adaptation and Maintenance Act was established which refers to the maintenance of aged and infirm parents. Similarly, section 125 of Criminal Procedure Code 1973 provides sufficient means for the maintenance of his or her father or mother who is not able to maintain themselves.

Section 127 of Criminal Procedure Code 1973 also states about the maintenance of the infirm and aged.

Further, the Government of India passed the Maintenance and Welfare of Parents and Senior Citizens Act 2007. The features of this Act: (a) Maintenance of Parents and Senior Citizens (b) Places a legal obligation on children and relatives to maintain the parents and senior citizens (c) Government should set up Maintenance Tribunals (d) Government should established Old Age Homes in all district with the help of Non-Governmental Organizations (e) Helpline service should be started in big cities (f) The elderly should be provided legal aid services (g) Friendly visit should be started by the police (Das, 2009:24).

The National Social Assistance Program (1995), provides financial security to the poor older people. There are various other schemes of the government that ensure health security, shelter, neighborhood watch, various concessions, construction of old age homes, voluntary bureau of elderly and innovative public training (Deswal, 2011:49).

CONCLUSION AND SUGGESTION:

Police are the backbone of society and play an important role in the maintenance of peace and the enforcement of law and order. According to International Code of Enforcement Ethics “As a law enforcement officer my primary duty is to serve mankind, to defend life and property, to protect the innocent against the deception, the weak against intimidation and the peaceful against the violence and disorder and to respect constitutional right of all people to liberty, equality and justice” (Chaturvedi 2007:216).

There are some suggestions that should be followed by police in the protection of the elderly. These are: (a) Senior citizens cells should be established by the police headquarter of every district. (b) Police should start elderly Helpline in which elderly may register their problems (c) Police should pay attention to security of life and property, elderly who are living alone (d) The effective patrolling should be done by police both during daytime and nighttime and check undesirable elements, who wander in parks and market (e) Police personnel should be given special training to handle the elderly (f) Police should punish those family members, who abuse and neglect the elderly.

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