

Agewell Research & Advocacy Centre

**AGEWELL LEGAL STUDY
ON
CHANGING MIND-SET
OF OLDER PERSONS TOWARDS
LEGAL JUSTICE
JULY 2010**



Delhi & NCR

Agewell Foundation

M-8A, Lajpat Nagar-II, New Delhi-110024 Ph.: 011-29836486, 29840484

e-mail : agewell@bol.net.in , agewellfoundation@gmail.com Website: agewellfoundation.org

CHANGING MIND-SET OF OLDER PERSONS TOWARDS LEGAL JUSTICE

Background

We very often see agitated and old persons fighting, shouting and raising their voices and gesticulating in banks, reservation counters or with auto rickshaw drivers, vegetable vendors or shop keepers. They do this largely due to their demands of righteousness or other personal/medical reasons in their behaviour.

Exhibiting anger and putting up a fight is justifiable in human nature. When injustice is experienced, if one is ill treated, when one is found fault with for no reasons and the like, the old person tends to start believing that they can get their way only if they strongly demand, converting the same to a habitual fight for every small reason – as if the whole world is against them. Following are a few recognized reasons.

As our culture defines, older persons should be and expect to be respected merely because of their age. The past has taught them to demand respect. They operate & feel that they will be listened to, tolerated and not answered back, because of the culture of youngsters showing respect for the old. But the times are changing and the cultures, no doubt still practiced largely, are seeing a sea change from the nextgen.

Many live with an extreme sense of self righteousness. This causes them to assert their rights forcefully. They stick to rules and are not prepared to tolerate errors due to human nature.

In the given life of individual growth and restricting means, senior citizens feel unattended, weak, lonely or helpless. This is largely attributable to physical conditions like partial deafness, poor sight, lack of briskness etc. This makes them feel they will be victimized or exploited. As a mechanism of avoiding any sort of victimization, arising out of paranoiac feelings – they tend to seek justice or fight for themselves.

Taking the above into consideration, the only Right that they feel they can exercise without seeking any approval from anybody is the Legal Right.

We see a lot of elderly in our country trudging dedicatedly to the lawyers or the courts, seeking legal re-courses for what they believe was their right and either is under threat or has been taken away and they can re-acquire or get compensated if their representations are moved under their supervision.

There are many self-righteous old people, who have experienced, seen or defied victimization and in some manner either want to correct the same or establish the fact that they are not ready to accept any more of the same. It becomes the way of expressing their inner grief or their life's ambition to have contributed to their family or the people at large.

Overview

In India over 3.1 Crore cases are pending before various courts of law. In Delhi only over 12 lakh legal cases are pending. As per the statement of a High Court Judge, Indian judiciary system will take more than 3 centuries to clear the backlog. There may be thousands of reasons behind this turtle-paced work mechanism of our judiciary but it has certainly changed mind-set of older persons towards legal justice.

Older persons are the worst affected victims of our slow and inefficient judicial system. There are thousands of examples, where people got justice after fighting relentlessly for decades. Many older persons have even died while struggling to get justice.

During the past decades it has been observed that number of legal cases involving older persons has increased rapidly. According to Progress reports of Agewell Volunteers spread across 540 districts of the country, *many older persons are busy with court cases in spite of their old age related problems like physical, psychological, financial, inter-personal, etc.*

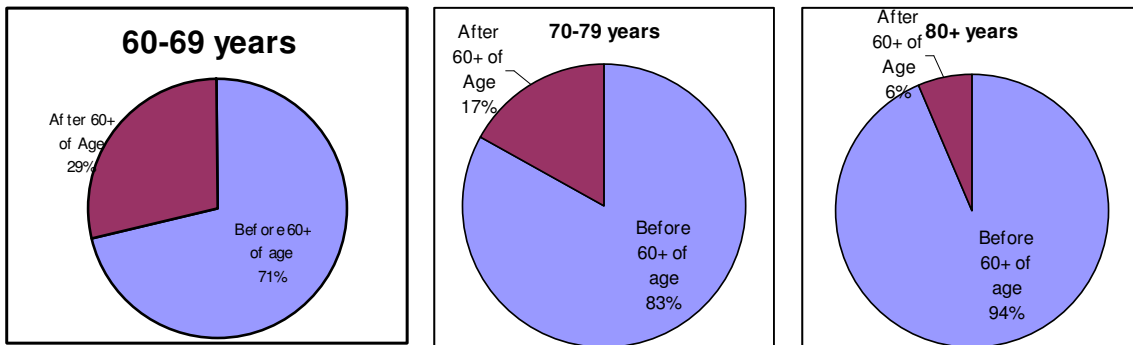
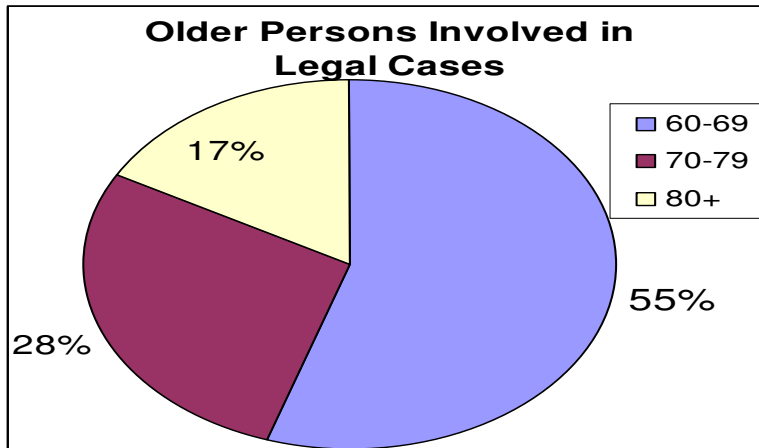
To identify the factors that push older persons to follow court cases and to understand the level of activeness/ role of older persons in struggle for legal justice, Agewell Foundation surveyed over 3000 older persons (in three age groups - 60-69 years, 70-79 years & 80+) of Delhi & NCR involved in various legal cases.

Age Groups of Older Persons	Delhi	NCR	Total
60-69 years	904	745	1649
70-79 years	455	388	843
80+ years	301	207	508
Total	1660	1340	3000

For the survey the target area was divided into 9 geographical zones – South Delhi, North Delhi, West Delhi, East Delhi, Central Delhi, Noida, Gurgaon, Faridabad & Ghaziabad. The survey was conducted during the 1st week of July 2010, involving Agewell volunteers providing their voluntary services in Delhi & NCR.

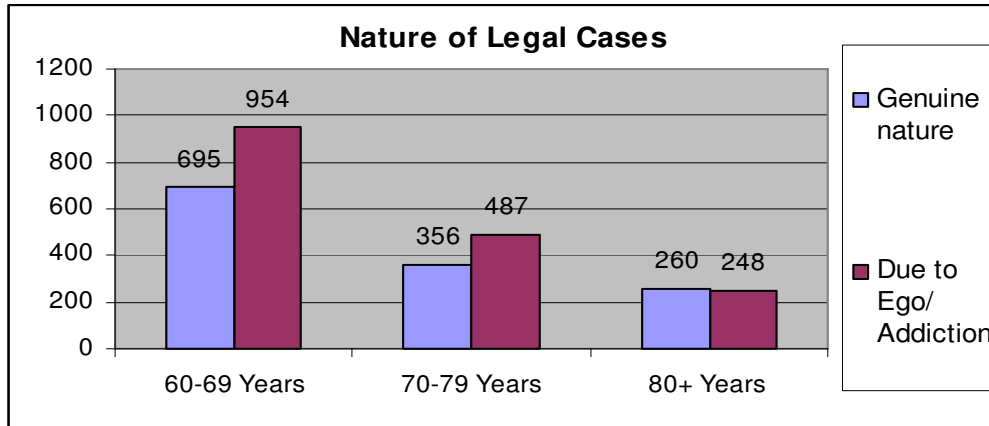
Major findings of the survey

- Young older persons (60-69 years) were more active in legal exercises. Almost 55% litigating older persons were found from the age group of 60-69 years. 16.93% older persons were of 80+ years, who were still fighting for legal justice.

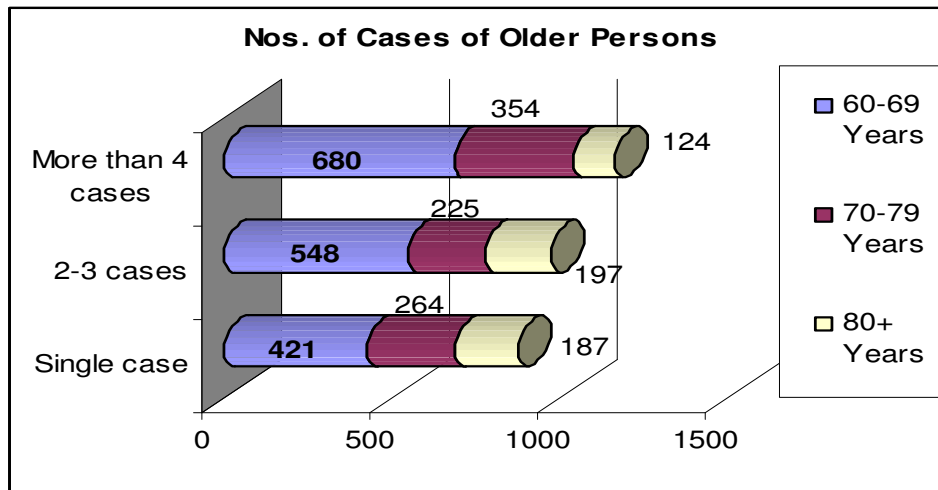


- *Only 43.7% older persons were found fighting case against specific injustice done. In the age group of 60-69 years of older persons only 42.15% older persons were involved in legal battles against specific injustice.*

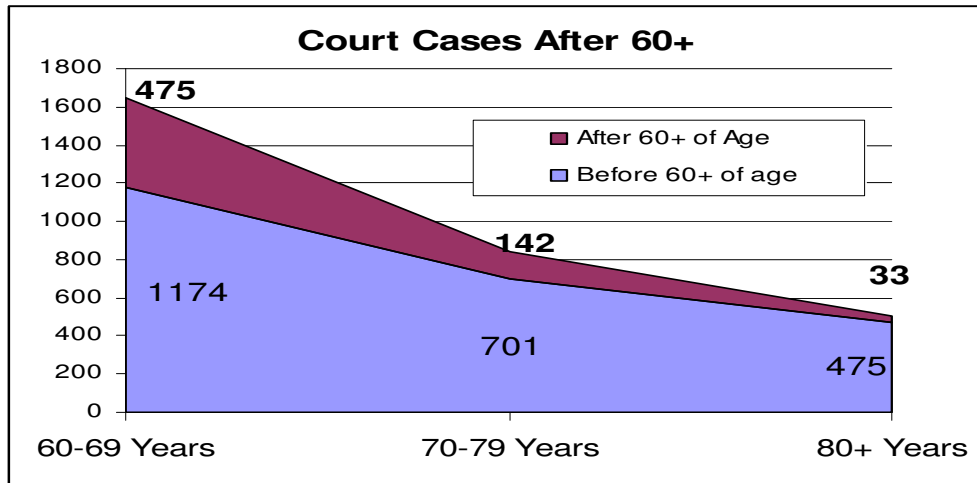
- *When the interviewer tried to understand the nature of cases, for which older persons are struggling, it was found that majority of older persons (56.3%) were fighting legal cases just due to their ego problem or due to addiction for fighting legal cases. In the young age group (60-69 years) % of such older persons was upto 57.85.*



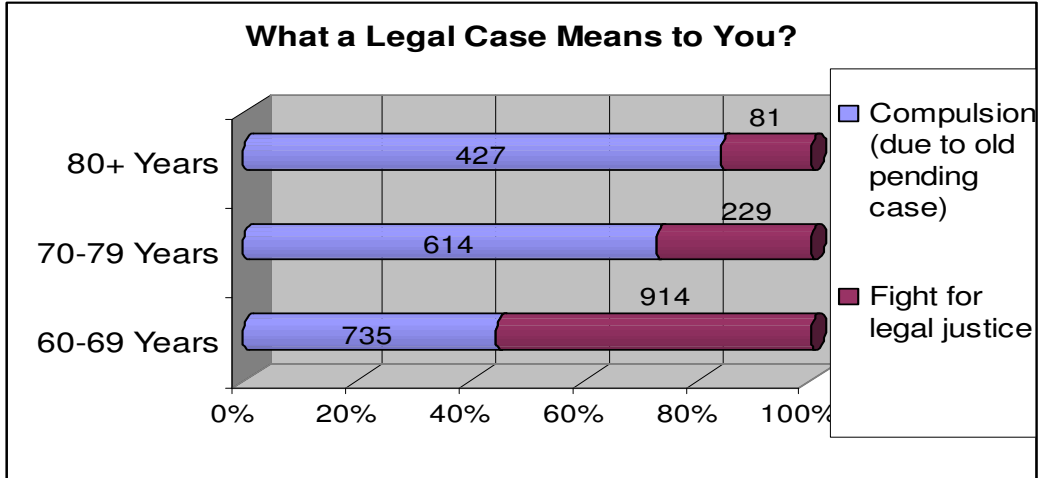
- *During the survey it was found that almost 70% litigating older persons were involved in more than 2 cases.*
- *38.6% litigating older persons have more than 4 cases pending with various courts in their names. In the age groups of 60-69 years % of such older persons was quite higher (41.24%).*



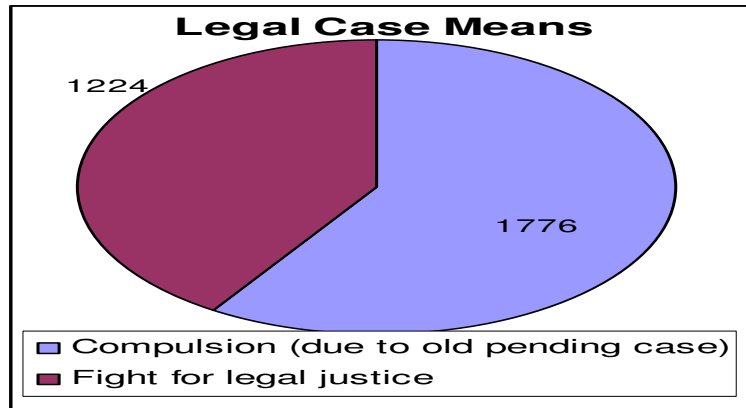
- It was found that even after 60+ age 21.67% older persons (28.63% from the age group of 60-69 years) have filed fresh cases with various courts.



- According to 59.2% older persons in all the three age groups, approached during the survey, said that it is their compulsion to attend courts of law due to old pending cases. Whereas 40.8 older persons boast that they are fighting for legal justice. Due to Old Age it may be difficult for them to take the cases further, but they are not ready to loose the legal battle in mid way.
- When asked about what a legal case means to you, in 60-69 years age group less than half (44.9%) older persons think that legal cases have become compulsion for them. 55.1% older persons said that it's their struggle for legal justice.

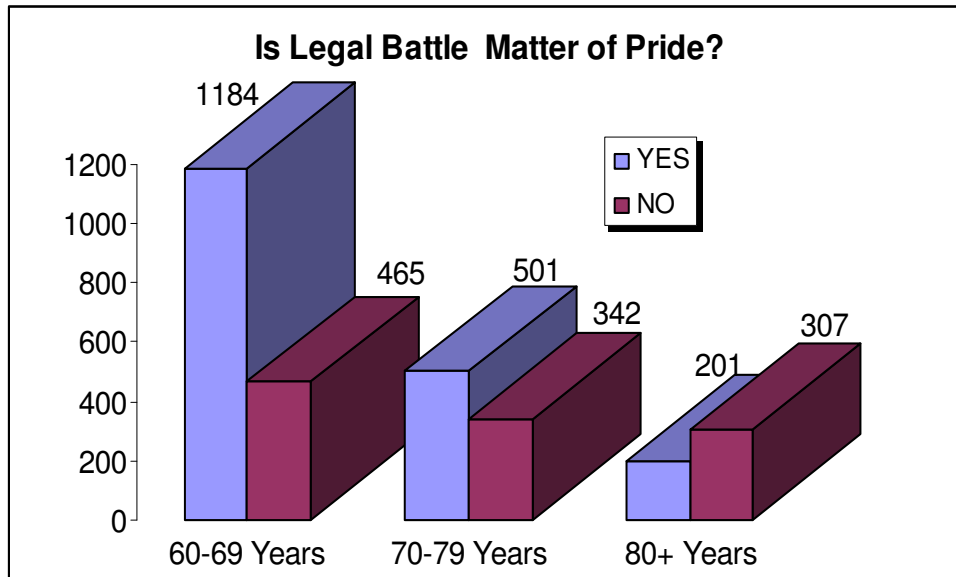


- When survey team tried to identify reason for sudden increase in cases of older persons, it was noticed that many older persons after retirement from active service life, filed their cases before various courts for justice.
- Over 55% older persons said that due to plenty of free time available with them they can fight and prepare for their legal battle, for which earlier they had no time. 41% older persons give priority to their changed attitude towards life and judiciary over the years. They said that they could not fight for their rights earlier due to various family & career responsibilities.
- In 70-79 years age group for 72.84% older persons, legal cases are compulsion and for 27.16 % older persons their legal battle has become a matter of pride for them. In 80+ years group just 15.94% older persons show interest in fighting for legal justice.



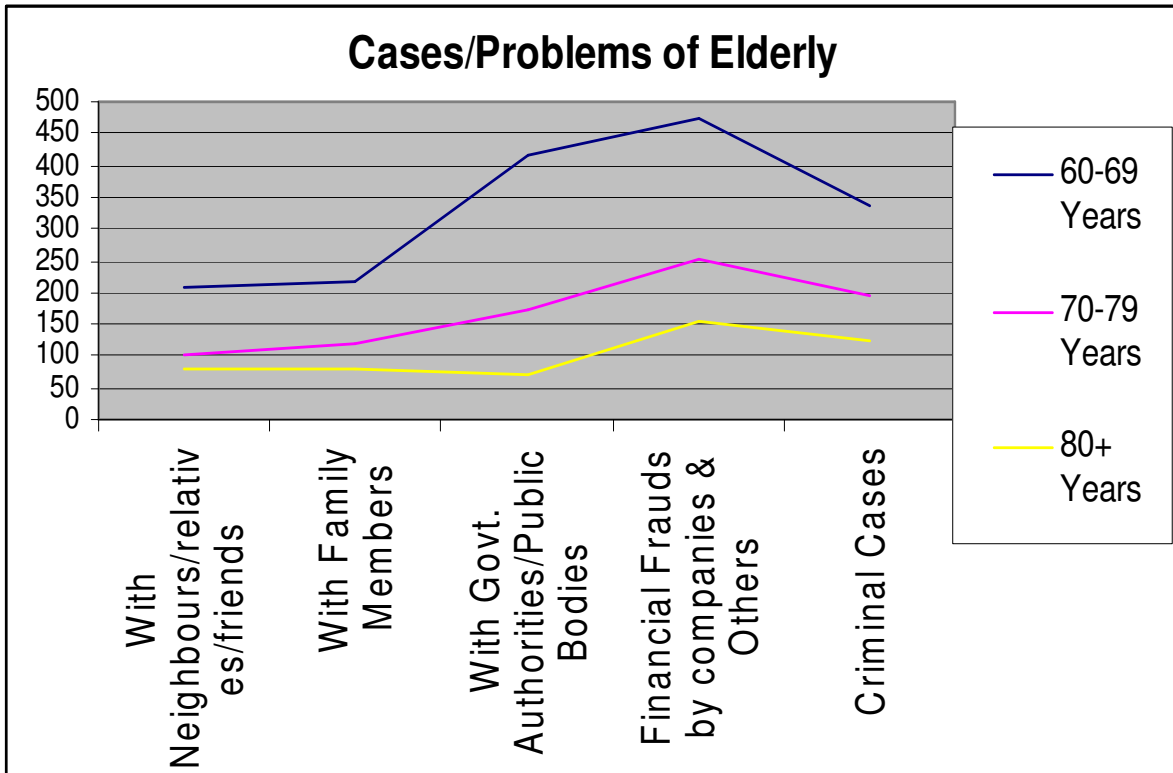
Agewell Foundation

- *It was found that 62.9% old people (71.8% in 60-69 years age group) are proud of the fact that they are fighting to get justice. They believe it's an occupation for them and keep them active.*



- They also believe that when they win the case, they would be respected more by the family, particularly younger members of their family.
- *It has been analyzed that for 72.5% litigating older persons, this passion of legal relief, is erupting from the fact that they want the members of the family to believe that they are fighting for their (family members) benefit and hence establish a value to get looked after by the children, through which they are able to make their life a bit more comfortable.*
- From the study it is also assessed that as a person becomes more and more available to time, this is the best past time to have some topic and issue personally owned by them to relate their usefulness in the society. It could be out of stopping further victimization by their family, in their own personal life or the society at large.

- It was found that in all age groups of older persons financial frauds related legal cases were prominent. Older persons have also filed legal cases against various governmental /public authorities, neighbors, relatives and even close family members.



**Survey teams found the following Major Challenges
before Older Persons of Delhi & NCR**

- Crime against senior citizens
 - Hurting senior citizens by family members/relatives
 - Injury/Murder of lonely older persons
 - Robbery of older persons
- Harassment for property by children & relatives
- **Elder Abuse**
 - Physical
 - Emotional/ psychological
 - Financial
 - Confinement
 - Sexual
 - Neglect of medical care, mental or social stimulation, personal hygiene or daily necessities
 - Willful deprivation of food, shelter, water, clothes or supervision
 - Financial exploitation of the victim's money, assets or property; forcing signatures on legal documents; forcing will changes
 - Fraud
 - Intentional or unintentional
 - Economic or emotional dependency by the elder or the abuser
 - Stress, mental illness and/or a substance abuse problem which allows the caregiver to lose control

Observations

This trend clearly reflects the changing mindset of elderly people. It seems that new generation of older persons is much aware of their rights and responsibilities.

In Old Age people become more assertive and they want to fight for their every right. They take legal route and even ignore legal complexities.

Older Persons live in anticipation of better tomorrow. They believe that they have better understanding of things.

For many of them, it's an occupation, which keeps them busy & active. Fighting court case gives old person a sense of importance with the family.

It gives older persons an opportunity to keep all the younger family members in hope of getting something from them when and if they win the cases.

All the above factors motivate older persons to follow court cases and give them lot of self-importance and respect within the family.

Most surprisingly, it has been observed that loopholes in our legal process encourage people to misuse judiciary in their favour. In Old Age older persons also find it better way to teach a lesson to others.

Filing cases with courts due to their egoistic nature or for manipulation of laws by majority of older persons shows that they have become addicted to legal process in anticipation of a favorable decision just like a lottery ticket buyer.

Although it is a very positive sign that in spite of sluggish and lengthy judicial process older persons have faith in the legal system. But changing attitude of people in Old Age towards filing legal cases, thus making them addict to legal process in not a happy equation at all.

Conclusion

Definitely there is an urgent need to set up special fast track courts for senior citizens, which will encourage older persons to fight against crime and make a crime-free society.

At the same time, concerned legal authorities should have proper mechanism for providing legal counselling to older persons who want to file their cases before any court. This would not only decrease the workload on our judiciary but also reassure older persons about quick and satisfying solution of their problems.