

RISING CRIMES AGAINST ELDERLY PEOPLE AND RESPONSIBILITY OF POLICE IN METROS

Project Report

Submitted

To

BUREAU OF POLICE RESEARCH AND DEVELOPMENT

Ministry of Home Affairs, Government of India



By

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EXECUTIVE SUMMARY

In India, while children pursue education and other career building activities and adults and middle aged engage themselves in earning livelihood, the elderly lead a retired life. In the same household three generations, namely, children, parents and grandparents reside side by side harmoniously. The elderly get care, support and comfort from their children and grandchildren. With the advent of modernity and globalisation and the accompanying phenomena such as industrialisation, urbanisation and migration the conventional living style has been undermined. Number of nuclear families is increasing and more and more elderly are now living alone. This trend is gaining momentum with increase in life expectancy. The percept of regarding maintenance of elderly as a pious obligation is also wearing off. Because of these changes, elderly are feeling isolated and they are facing numerous other privations. They have become easy targets of criminals and elder abuse has become a social menace. In this context, Group of Economic and Social Studies (GESS), a New Delhi based NGO, as sponsored by Bureau of Police Research and Development, has conducted a study entitled “Rising Crimes Against Elderly People And Responsibility of Police in Metros” The study deemed 60 + population as elderly. Metros covered are Chennai, Delhi, Kolkata and Mumbai.

Objectives of Study

- To collect information on the reasons for the separate and lonely life of the aged citizens.
- To study and analyse the growing security threats to the elderly citizens.
- To highlight the involvement and participation of the senior citizens in policing activities.
- To study the role of voluntary and non-governmental organizations, and of the police in ensuring safety of the senior citizens
- To suggest reforms in institutional and technological arrangements for the purpose of safety of the senior citizens.
- To examine the issues from the viewpoint of target group itself.

Methodology

Data was collected from primary sources (based on questionnaires, interviews interactions and observations) as well as secondary sources. Statistics relating to crime are obtained from the Commissioners of police of Delhi, Mumbai and Kolkata. However, the Commissioner of Police, Chennai, did not respond to request for these statistics. Crime statistics of randomly selected year 2004 as published in “Crime in India 2004”, were taken

as benchmark for analysis. Available latest crime statistics, as published in “Crime in India 2007,” have also been cited where necessary for purposes of comparison.

Hypotheses

- The state and police treat the question of the senior citizen as secondary and therefore it is not a matter of any special priority.
- The society considers the issue as an individual and / or family issue inviting least attention on its part to encourage increased participation in their well being.
- The rich senior citizens are more prone to security risks, since they are vulnerable to exploitation, pressure and physical threats for property and financial gain from their children / relatives / unsocial elements.
- Crimes against senior citizens are the product in most cases of their indifferent relations with the police and weak community policing.
- There is no uniform pattern of crime against senior citizens.
- The mobility risk hardly finds a space in the protection scheme undertaken by the police.
- The complaints lodged by the senior citizens are not registered and investigated speedily by the police.
- Database of elderly people is very poor.

Elderly Population

With declining fertility, coupled with increase in life expectancy, the number of older persons in population of India is expected to increase more than double from 71 million in 2001 to 173 million by 2026. Normally, males out-number females in total population. But among population of elderly, the reverse is true. Population of metros is large. They have huge floating population. A large fraction of their population resides in ramshackle housing (slums) that surrounds high-rise prosperous clusters. These factors promote violence and crime. Total population (in lakh) of mega cities of Chennai, Delhi, Kolkata and Mumbai, for crime analysis purpose, as per 2001 census, is 64.25, 127.91, 132.17 and 163.68 respectively.

Characteristics of Population of Elderly

Senescence, functional disabilities, financial insecurity and sickness characterise population of older persons. These characteristics make elderly highly susceptible to crime and elder abuse and render their plight miserable. Out of 81 million elderly in India, 51 million are poor. In metros, 60 per cent suffer from one or more diseases. Eighty-seven per cent of them have no health insurance. Medicines and food often compete in spending of elderly. Fear of crime haunts elderly who are rich. The gravest fears of most elderly are health problems followed by shortage of money. Physical insecurity (insecurity due to crime) is not as pronounced as economic and health insecurities. Elderly are a highly diverse group. They reside interspersed. These factors make service delivery including provision of security to them a challenge.

7. Living Arrangements and Causes for Loneliness of Elderly

All over India, members of family look after their aged by way of their moral responsibility. Because of adherence to the principle of moral responsibility of looking after elderly members of families, a strong need for non-family institutions for provision of social

security has not been felt in India in the past. However, in recent times, due to globalisation and growing materialistic values, the society is witnessing a gradual but definite withering of joint family system and decline of such moral values. As a result, their children are not maintaining a large number of parents. Because of these changes, the union legislature has enacted the Maintenance and Welfare of Parents and Senior Citizen Act, 2007. This law makes taking care of elderly by their children mandatory besides directing the state governments to provide adequate medical facilities to older persons and take steps for protection of their life and property. This law also make provision for setting up of old age homes.

A large number of elderly (12 per cent) live alone. Their number is increasing day by day. They live alone for a variety of reasons including lack of support from children (33 per cent) and children living in other cities (20 per cent). These elderly present soft targets to criminals. In a survey it was revealed that 51 per cent elderly did not prefer to live with their children. They prefer to live nearby their children.

Senior Citizens Organizations

Senior citizens organizations have emerged particularly in urban areas. They are mutually self-supporting and provide a platform for elderly to come together for recreation and providing respite to each other. Their number is still small and their coverage is meagre.

Elder Abuse -- a Menace

Elder abuse (mistreatment and maltreatment of aged persons) is also a social menace in India. Acts of elder abuse as are not crime, though they cause humiliation and anguish to aged persons, go unnoticed. Elder abuse takes place both within homes and in non-family settings. Members of family, strangers and formal caregivers commit it. Elderly are abused because they are considered redundant, useless and a burden. Prevalence of abuse of elderly people has been found in all the metros covered in this study.

Some Safe guards for the Elderly

- Parents cannot be evicted from a house without due process of the law
- Under Section 125 of the CrPC, a person not having sufficient means can claim maintenance from his children.
- If children or relatives neglect or refuse to maintain a senior citizen unable to maintain himself / herself, they can be ordered to pay a monthly allowance to such senior citizen under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- The Hindu Adoptions and Maintenance Act provides that an aged parent can demand maintenance from children.
- The Domestic Violence Act also provides parents with the right to seek relief from any kind of abuse.
- Based on provisions of Article 41 of the Constitution of India and obligations under various UN backed international agreements, the National Policy on Older Persons (NPOP) was announced in January 1999. It identifies a number of areas of intervention -- financial, health care, nutrition, shelter, education, welfare and protection of life & property -- for the well being of older persons. National Council for Older Persons (NCOP) has been constituted to operationalise the NPOP.

Security Arrangements for Elderly

When overall crime situation in an area is well under control, crime against elderly and other weaker sections is less. When crime situation deteriorates, these sections are hit hardest. At the same time, special crime control measures are necessary for the protection of aged persons in view of the problems they face due to their frailty/ disabilities and lonely lives, they are compelled to lead. It appears that while Delhi has a fairly comprehensive and formal action plan for providing protection and security to its senior citizens, such plans for Mumbai, Kolkata and Chennai, are yet to be evolved. Special crime control measures for elderly include:

- Senior Citizens Security Cells;
- Senior Citizens Toll-Free Help-lines;
- Registration with police of senior citizens living alone for exercising extra vigilance in relation to them through sensitised beat patrols, police patrol vans and volunteers from local communities, enrolled as special police officers;
- Special drives for verification of antecedents of servants, drivers and other domestic helps as also of tenants;

- Sensitisation of people/ Resident Welfare Associations (RWAs) regarding safety measures;
- Counselling of senior citizens;
- Mobilisation of members of public and NGOs/ voluntary organisations such as Help Age, Age Well, Abhaash, Akaash, youth clubs, women groups, etc. for providing emotional support to lonely citizens; and
- Encouraging setting up of senior citizens organisations.

Unfortunately, despite these special security measures, crime against elderly is a chilling recurring feature.

Problems of Police in Enforcing Security Measures

Some of these problems are:

1. Senior citizens do not provide details of their domestic helps and tenants for verification,
2. Insist on seeking redress from police of problems relating to other departments/ civic agencies,
3. Many of them want their problem redressed without any action against their tormentors such as children, relatives or domestic helps, and
4. Their casualness/ forgetfulness towards safety and security advisories.

Suggestions of Police for Resident Welfare Associations (RWAs) and NGOs

Suggestions given by police personnel of four metros during this study include:

- RWAs should play active role in resolving minor disputes in which senior citizens are involved;
- They should be more effective in improving police-public relationships;
- They should convince senior citizens to follow police advisories concerning safety and security matters, verification of antecedents of their domestic helps and tenants, and registration with police, and
- They should help senior citizens to organise their own groups for solving their problems mutually.

During this study it was found that 85 per cent of respondents in Delhi, 63 per cent in Mumbai, 67 per cent in Kolkata and 65 per cent in Chennai were not satisfied with the current arrangements for protection and security of senior citizens. Their suggestions for improving security of elderly include:

1. Strengthening of beat police system,
2. More frequent visits of beat constables for those who are living alone or with spouses,
3. Foot patrolling both during daytime and night,
4. Each police station should have complete record of all senior citizens whether staying alone or in joint families in its area,
5. More frequent interaction between police and residents of the area, and
6. Fixation of responsibility for lapses due to which each serious incident of crime takes place and proper follow up action on reports of inquiries conducted for this purpose.

Crime Against Elderly

Non-Registration and Non-Reporting of Crime: All those who have any thing to do with the crime situation in India, according to N.S. Sexana, know that crime and violence against the aged are increasing. He further remarks that this statement can neither be proved nor disproved on the basis of official statistics of crime as police do not register a great deal of crime reported to it. A recent survey reveals that only 23 per cent of crime ever gets reported and even out of cases that are reported only 72 per cent get registered. Practice of appraising police officers on the basis of crime statistics of their areas, corruption in police and shortage of staff with police departments are main reason for mal-practices of non-registration and burking of crime by police. Reasons for non-reporting of crime include lack of faith of victims of crimes in police and their fear of revenge by the persons accused.

Types of Crime: Senior citizens are victims of crimes against body, crimes against property, economic crimes and even rape. According to Delhi police, relatives, domestic helps and persons known to victims commit around 40 per cent of heinous crime against senior citizens. Others who commit this crime include professional criminals, itinerant salesman and casual labourers/ tradesmen engaged by senior citizens.

Crime rates (incidence of crime per lakh of population): It is universally accepted mirror of crime of an area though, besides population, there are numerous other factors that influence crime situation in an area. In urban agglomeration centres, crime rate is higher than crime rate of country as a whole. For example, in 2004, average rate of IPC cognisable crime in urban agglomeration centres was 287.3 as against all-India rate of 168.8.

Rate of cognisable IPC crime against elderly in metros of Delhi, Kolkata and Mumbai is a fraction of overall cognisable IPC crime rate of these mega cities. For example, rate of cognisable IPC crime against elderly in 2004 in Delhi, Kolkata and Mumbai was 31.1, 24.8 and 87.7 as against overall cognisable IPC crime rate of 380.6, 81.4 and 179.9 of these cities respectively. **But incidents of crime against elderly cause nation-wide sensation and public outrage.**

Crime Against Elderly is Rising: Rate of IPC cognisable crime against senior citizens in Delhi in 2003 was 32.4. It rose to 46.7 in 2006 and it was 33.4 in 2007, marginally higher than what it was in 2003. In Kolkata, this rate increased from 19.6 in 2003 to 24.6 in 2007. This rate in Mumbai increased from 78.7 in 2003 to 95.3 in 2007. **Thus crime against elderly in these three metros has been rising even on the basis of official statistics.**

Violent Crime: This crime on all-India level amounts to around 12 per cent of total IPC cognisable crime. Share of violent crime in total cognisable IPC crime against elderly in Delhi has decreased from 15.9 percent in 2003 to 8.2 per cent in 2007. In Kolkata this share has decreased from 5.1 per cent in 2003 to 3.1 per cent in 2007. In Mumbai, this share has hovered around 2 per cent during 2003 to 2007. **In these metros, share of violent crime has been decreasing which is possibly indicative of greater vigilance on**

the part of police towards violent crime and better preventive measures adopted by the elderly and RWAs.

Level of Violence: Rate of violent crime against senior citizens in Delhi decreased from 5.2 in 2003 to 2.8 in 2007. In Kolkata, it decreased from 1.0 to 0.8. In Mumbai, this rate increased marginally from 1.5 in 2003 to 1.8 in 2007. **While level of violence against elderly in Delhi and Kolkata has declined, the same has negligibly increased in Mumbai.** Overall rate of violent IPC crime in India is around 20, though it is much higher in insurgency/ terrorism/ left wing extremism ridden states.

Quinquennial averages (2003-07) of overall rate of cognisable IPC crime against senior citizen in Kolkata, Delhi and Mumbai being 21.7, 35.5 and 90.9, respectively, show that among the three, **Kolkata is safest for the elderly.**

Quinquennial averages (2003-07) of rate of violent IPC crime (murder, attempt to murder, culpable homicide not amounting to murder, kidnapping & abduction, dacoity and robbery) against elderly in Kolkata, Mumbai and Delhi being 1.0, 1.9 and 3.8 respectively show that **level of violence against elderly is highest in Delhi and least in Kolkata**

When one takes into account rampant maladies of large-scale non-registration, burking and non-reporting of crime, the ground reality is far graver than what the foregoing analysis based on official statistics reveals. **As such this analysis should not lull one into complacency.**

Disposal of Cases of Crime Against Elderly by Police:

- Investigation of a number of cases of crimes against elderly in Delhi, Mumbai and Kolkata remains pending. The consequent delay affects adversely the fate of these cases.
- During the period from 2003 to 2007, average charge sheeting rate of cases of cognisable IPC crime in which senior citizens were victims in Delhi, Mumbai and Kolkata was respectively 52.5 per cent, 40.7 per cent and 49.5 per cent. **There is a scope for substantial increase in charge sheeting rate of cases** of crime against elderly as is evident from the fact that during 2003, 2004 and 2007 on all-India level, charge sheeting rate, of total number of cases of cognisable IPC crime was 80.1 percent, 79.8 and 80.1 per cent respectively.
- Average charge sheeting rate in respect of cases of offences against body of senior citizens in Delhi, Mumbai and Kolkata during 2003-07 was 86.5, 80.4 and 90.5 per cent respectively. **This is indicative of closer attention that police in these metros gives to offences against life of senior citizens.**
- Average charge sheeting rate in respect of cases of crime against property of senior citizens in Delhi, Mumbai and Kolkata during 2003-07 was 28.0, 30.3 and 25.1 per cent respectively. **This shows police gives scant attention to these offences and senior citizens suffer a great deal of pecuniary loss due to crimes against their property.**
- Average charge sheeting rate in respect of cases of economic crimes in which senior citizens was victims were also low. **Thus there is a need for much better investigation of cases of crime against property and economic offences.**

Disposal of Cases Against Senior Citizens by Court

- **Pendency percentage** in Delhi and Mumbai in trial of criminal cases in which senior citizens were victims being 87.2 and 91.2 **was enormous** and it is matter of immense concern.
- **Average conviction rate** of 24.0 per cent in Delhi for 2003-07 in cases of offences against body was **disappointingly low**. Corresponding rate of 58.7 per cent in cases relating to **property was quite impressive**. Corresponding rates in Mumbai were 39.4 per cent and 66.1 per cent respectively.
- Quick disposal of cases by police and courts and higher conviction rates are some of the important factors that facilitate crime control.

Recommendations

Empowerment of Elderly

- **Need for Literacy:** There is a need to introduce literacy programmes for older persons, which would reduce their vulnerability to exploitation and help in strengthening their knowledge of their rights, access to entitlements and services, capacity to overcome discrimination and ability to resist violence.
- **Information and education material** relevant to the lives and security of older people should be developed and translated in local languages and widely disseminated.
- **T.V. Channel for Elderly:** Loneliness and passing time are the pivotal problems of the aged. For literacy and recreation of the elderly, there is a need for a special T.V. channel. Alternatively, *Doordashan* should run regularly dedicated programmes for literacy and recreation of elderly.
- **Job Reservations for Elderly:** Government of India, State Governments, Union Territory Administrations, local bodies, academic institutions, public sector undertakings and private sector establishments should identify lighter jobs to which elder citizens can be recruited and earmark a portion of these jobs for qualified, needy, physically and mentally fit senior citizens, who are willing for employment.

Administrative Measures

- **Reorganisation of Mega City Police:** Police set-up of each metro should be urgently reviewed to reorganise it to make it better face its current and future challenges and to meet expectations of the people. This will automatically improve security for all including elderly. At present police in metro is over stretched. For example Dwarka area in Delhi has one police station, which has to look after 6.5 lakh people.
- **Senior Citizen Cells:** Each police head quarters and each district police office of the metro should have a senior citizen cell.
- **Police Station wise Security Scheme:** Each police station should prepare and update regularly schemes for protection of elderly in the context of local requirements, which should, *inter alia*, provide for patrolling both during day and night. Police should get **extra functional and supervisory staff** needed for enforcing the scheme.
- **Data Base:** Police should maintain and regularly update data base about elderly and obtain feedback about security arrangements in force for elderly.

- **Training and Re-orientation of Staff:** Police personnel should also be given training in dealing with and taking care of elderly.
- **Fast Tracking of Investigations and Trials of Cases:** Investigations and trials of criminal cases in which senior citizens are victims, as also trials of civil cases in which senior citizens are parties should be fast-tracked. Convicts in criminal cases, in which elderly are victims, should be awarded exemplary punishments.
- **Better and Scientific Investigation:** Investigation of cases of property and economic offences in which senior citizen are victims needs to be improved substantially as charge-sheeting rates in respect of them are low.
- **Co-option of Security and Placement Agencies:** The security and placement agencies should be encouraged to provide guards and domestic helps having skill for taking care of elderly and cleared from security angle so that well-to-do senior citizens, who are at greater security risks, can have qualified and reliable personal and security staff.
- **Accountability:** Enquiries should be held to fix responsibility for lapses due to which each serious incident of crime against elderly takes place and suitable remedial measures/ action should be instituted/ taken in the light of result of these enquires. At the same time, police personnel and members of public who help in prevention and detection of crime against elderly should be handsomely rewarded/ recognised.
- **Crime Statistics:** National Crime Record Bureau should publish statistics relating to crime against elderly and elder abuse as a part of its annual publication, “Crime in India”, to facilitate formulation of strategies to combat this crime/ abuse.
- **Population Statistics:** Office of Registrar General of India may consider publication of mid-year population estimates of elderly people annually to give an idea of the magnitudes of problems of older persons.
- **Financial Security:** There is a strong case for a large hike in amount of old age pension to ameliorate the lot of destitute elderly. This rate should be periodically reviewed.
- **Mobility Risk:** Police, town planners, road engineers and public transport administrators should evolve and implement measures to minimize mobility risk of elderly. Architects should keep in mind the need of safety, security and comfort of elderly while designing houses and institutions.

Statutory and Policy Measures

- **Need for Research:** Sustained multidimensional research and data gathering on problems of elderly and old age that would help in devising and implementing cost effective measures for well being and protection of elderly and provision of old age security should be undertaken and generously funded by Central Government.
- **Institutional Arrangements:** Though there are clear symptoms of collapsing of traditional support system for elderly, National Policy on Old Persons (NPOP) assumes that social security role of family is continuing. It is high time for modifying this assumption and making efforts through public-private participation for putting in place affordable institutional arrangements for protection and care of non-destitute elderly. Incentives may also be considered for families and hoteliers who are willing to take senior citizens on affordable rates as paying guests.
- **Legislative Measures:** A special law needs to be enacted centrally to supplement/ replace the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 to

deal comprehensively with the problems of crime against elderly and elder abuse including domestic violence and to provide relief to victims of such crime and abuse. The proposed law should specify responsibilities of police, resident welfare associations, managements of homes/ other institutional caregivers to elderly and local bodies vis-à-vis elderly. This law should provide for stern punishments for convicts in cases of crime against older persons as also for regulation and inspection of old-age homes. The Motor Vehicle Act may be amended to reduce the mobility risk for older persons.

- **Sensitisation of Younger Generation:** School curricula should include material that inculcates sensitivity and values, which promote proper attitude for care and respect for elderly and develop skills for giving care and emotional support to elderly.

Civil Society Institutions/Resident Welfare Associations

- **Need for Better Security Precautions for RWAs:** RWAs should arrange for better local area security --- both physical and manual. They should regulate entry of outsiders including casual workers, vendors and tradesmen in their premises more effectively.
- **Dispute Redressal:** They should play active role in resolving minor problems of senior citizens.
- **Security Vetting of Tradesmen and Domestic Helps:** RWAs should provide a panel of verified electricians, plumbers and other tradesmen for service in their premises. They should have arrangements with registered firms/ placement agencies for providing reliable domestic help to houses in their premises.
- **Sensitisation of Residents about Security Matters:** RWAs should launch from time to time drives to convince senior citizens and other residents to follow advisories concerning safety and security matters, verification of antecedents of their domestic helps and tenants, and registration with police.
- **Self Help Groups:** RWAs, NGOs, youth clubs, and women groups should help senior citizens to organise their own groups/ organisations involving persons from different walks of life like doctors, lawyers, security experts, etc. so that their expertise can be of use to them in solving their problems mutually. State Governments should partly fund senior citizens groups/ organisations.
- **Community Liaison Groups:** They should also organize volunteers to pay regular visits to senior citizens to attend to their emotional needs and to run errands for them.
- **Neighbourhood Watch Schemes:** RWAs, Senior Citizen's Welfare Associations, Senior Citizen's Neighbourhood Societies should evolve and enforce neighbourhood watch schemes.