

collective bargaining agreements but rather by administrative officials who cannot fully represent nor bind the voters to rules or procedures that may conflict with existing or subsequently executed laws and regulations. Thus, a collective agreement providing for fixed rights such as salary rates and pension contributions could not be revised by subsequent legislatures elected by the public at large, even if such measures were required to prevent fiscal insolvency.

Another reason cited for not granting collective bargaining rights to public employees is the advantage held by public employee in rights granted under existing civil service or personnel rules. In countries such as the United States, the Courts have repeatedly held that public employees possess a property interest in their jobs, which interest triggers constitutional protections to the employee including due process of law. In fact, public employees without collective bargaining rights frequently have more protection against arbitrary and unjust employer action than do private employees with such rights. The reality of collective bargaining is that it is essentially a bilateral process, whereas public policymaking is a multilateral process accessible to all taxpayers

on equal terms. This conflict raises the possibility that over time, public employee unions could wield an insurmountable advantage in political power when negotiating Government wage and personnel policies with public administrators and elected officials, to the detriment of taxpayers and other competing groups and interests in the democratic process. This advantage in bargaining power is magnified with respect to certain monopolistic services provided only by the Government and which are critical to the welfare and safety of the public at large, such as police and fire protection⁴.

Conclusion

Collective bargaining includes not only negotiations between the employers and unions but also includes the process of resolving labor-management conflicts. Thus, collective bargaining is, essentially, a recognized way of creating a system of industrial jurisprudence. It acts as a method of introducing civil rights in the industry, that is, the management should be conducted by rules rather than arbitrary decision making. It establishes rules which define and restrict the traditional authority exercised by the management.

HUMAN RIGHTS OF AGED PERSONS IN INDIA

By

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Old age is an incurable disease, we cannot heal the old age, and we can protect it, promote it and extend it.

¹“Trees grow stronger over the years, river wider, likewise, with age; human beings gain immeasurable depth and breadth of experience and wisdom. That is why older

persons should be not only respected and reversed; they should be utilized as the rich resources to society that they are”, as Kofi Annan, Secretary-General, United Nations rightly remarked.

1. <http://www.silverinnings.com/ageing.html>

4. Rabin, Jack and Dodd, Don, State and Local Government Administration, New York : Marcel Dekker Inc., ISBN 0824773551 (1985) Pp.390-399.

When a child is born, its parents are overjoyed. They feel that new meaning has been added to their lives. Many times your parents would have denied themselves luxuries and even necessities so that they could provide all the best possible for your growing up years.

Old age has a dual definition; it is the last stage in the life process of an individual. The “Karta” or the head of the family, the normally the father and in his absence the eldest brother, the aged had better protection.

In a family where the parent and senior most member there, in such families the aged have never been allowed to suffer but respected and reversed. But, due to vast industrialization, urbanization and migration has broken down the family and community structure. The erosion of the joint family system and the replacement of the Counselling role of the community elders had led to the elderly often victims of emotional neglect, lacking physical and financial support. The fast track changes and westernization of India society have resulted in the “Degeneration of the Joint family system”.

Ageing is a Universal Phenomenon and no society can escape from it.

Demographic Profile:

The global Population of elderly has constantly been increasing during the second half of the last century. According to projections India will have an elderly population of 179 million by 2031 and 301 million by 2051. This has been possible due to easy availability of life saving drugs, control of families and various. Communication disease, better awareness and supply of nutrient and health facilities and better comparatively better overall standard of living, etc. These achievements have resulted in drastic reduction in mortality rates and substantial in the expectancy at birth and the overall life span of the common man.

²In the Vedas the old age is the golden (50 to 75 years) and diamond period (75 to 100 years) of one's life. Atharva Veda the normal age of a person is mentioned as 100 years for those who follow DHARMA (path of righteousness). Yajur Veda says person who follow Dharma can live upto 300 years *i.e.*, triya ayushm (Triple life)

Rights of the Elderly

³The Universal Declaration of Human Rights 1948 under Article 25(1) provides about the rights of old people. In 1990, the General Assembly of the United Nation designated 1st October as the International Day of the Elderly person later renamed the International Day of older persons. The Constitutions of India under the directive principle of state policy recognizes the duty of the state towards citizens including the aged.

There are three enactments that can be applied.

1. Under Section 125 of the Cr.P.C a Magistrate can order a child to maintain his old parents, under the maintenance of parents Act.
2. The Hindu Adoptions and Maintain Act 1956 say on aged parents can demand maintenance from children in the same way that a wife can demand it from her husband.
3. The Domestic Violence Act to provide parents with the right to seek relief from any kind of abuse.

New evidence suggests that the brain function somewhat like a muscle; the more you use it, the stronger it gets (or use it or lose it or something like that) Reading learning and through provoking activities can render the brain of people in their 80's and 90's as sharp as those of their grand children.

2. <http://www.Indiamydreamland.blogspot.in/2011/03/know-thy-vedas-role-of-old-people.as.htm>

3. <http://www.azadindia.org/social-issues/problem-of-old-age-in-india.html>

Fear of Old Age

Persons working in salaried jobs, both Government and private have to retire from their services after attaining a particular age. Retirement gives a certificate to the people that they have grown old and are retirement gives a certificate to the people that they have grown old and are relieved of their duties, which they might have been performing very well during their professional career. The retired person suddenly finds out that there is nothing specific, for him or her to do.

As the aged person is nearing to retire they develop various kinds of fear⁴. The cause of the fear is that in our present day society, where money is the measure of everything, the elderly are looked upon as an economic liability and a social burden.

Further the Younger generation feel that the old people are burden and obstruct there life style. In fact many old people, unable to bear this loneliness, commit suicide. Many people get extremely panicky when they become old.

Ex: An old lady refusing to identify her quavering voice on the line blurted out that she had dialed at random, just to hear a human voice. She lived alone her children had moved away, leaving her to her device. The police had to break into the home of an old couple in west Delhi after neighbors complained of a foul smell emanating from there. They found that the couple, both over 80, had been dead for many days.

The Dynamic of Elderly Abuse

Research found that “within 5 years of their retirement, people exhaust their savings and they are forced to depend on their children or relatives”. Economics problems are very basic to all the other problems faced by the aged.

In many cases, the elderly are pressurized by their grown up children to transfer all the properties immediately, if the old person

hesitates, he invites many troubles including physical torture, *etc.* If they do not resist and smoothly transfer their properties and bank balance. Etc in the name of their children, there is hardly any assurance would be taken care of property. Many a time's people inside their family as well as the outsiders try to grab the land or houses owned by the older persons. For that, they may go to any extent.

Old aged persons are treated disrespectful manner by family members, relatives or in society. They use Emotional blackmailing, misbehavior and verbal abuse. Its real hurts the person, after crossing so, many troubles, and huddles in life. This is what the manners and respect they attained?

Leisur Time/Receptions

⁵Leisure time may be spent in a variety of ways voluntarily chosen and pleasurable viewed as Recreations and family member's trips, culture activities, television radio, Magazines, films *etc.* Visiting temples or go out for walk. Who are taking care of their parents should sit together and chart out plans to make life better for the aged. Who have elderly people at home should arrange for the elderly to meet at least once a month and chitchat in a common friends or relatives places. Let them spend a couple of hour's together, chit chat and come home refreshed and recharged. Pets are valuable friends, especially in old age.

EX: A *Gangamma* had a pet dog and the *Gangamma* died. The pet dog had not taken food since her care taker died. What surprised everyone was that her pet dog also was lying died at the graveyard where *Gangamma* was creamed. Such was the bondage between the old women and her pet.

Old Aged Homes

In India around 718 old age homes and only 387 homes provide medical attention.

4. Social Welfare October 2011

5. Ibid.

One should remember that one becomes old one day. Keeping this in mind we should love and respect the aged and take care of them with proper attention. Let us not leave our elders to the care of the old age homes.

EX: If a caretaker wants to take elderly person to hospital first they need to get leave from the office, and then take an auto/cab which charges double the rate, traffic jam, pollution and long queue. Now even doctors have become commercialized first consultation fee Rs.250/-, then check up with lengthy Prescription. And for the reports again 2 days she needs to take leave or permission. So, here the elderly person feels that am I troubling the caretaker & also will be affected with career growth. To avoid all these circumstances. Non-Government/Charity organization should come forward to arrange one colony one free/very nominal charges Nursing home with clinic facilities. Then every house the elderly persons can lead a happy life.

Elderly persons should be given more benefits and facilities so that they should not be a burden to family members, instead they should feel that they are must for the survival.

The Action so far initiated by various Ministries is as follows:

- Priority is being given for telephone connections of senior citizens aged 65 years and Above.⁶
- Instructions given to all State Governments to provide separate queues for older persons at every stage.
- Justice of India to accord priority to cases involving older persons and ensure their Expedient disposal.
- Ministry of Rural Development is administering the National Old Age Pension Scheme and presently the A.P. State Government made a provision

to pay Rs.200/- per month as monitor assistance to old and destitute persons of 65 years

- ⁷MATAT: Member Association for Development Action and Training a non-Governmental organization is providing training of under - privileged boys & girls on old age care and engaging them as care givers in the home of bedridden and sick elderly people. The care givers offer health care services and assistances such as helping the seniors eat, bathe and use the toilet, nursing the invalid elderly and providing companionship. The organization primarily meant to develop a team of people who are dedicated in providing services to elderly persons and act as a medium for service and finding solution for old age related issues. Need of such organization that solve the basic problems of senior citizen was urgent and MADAT is one of them.
- OASIS (An Acronym for Old Age Social and Income Security). On account of the growing concern for old age, social and income security due to changes in demographic, social and traditional structure, the Ministry had commissioned a National Project titled OASIS. An eight member Expert Committee was set up to examine policy questions connected with old age.
- Even neighbors do not know each other; we have become machines that run other work, study, Meetings and other engagements. There is hardly anyone with any time to sit and talk with the family especially with the aged, as result, there is always a painful feeling of loneliness. Our parents gave us birth, showered all their hard work, dedication and effort to make us stand on our feet. Everyone must realize

6. Aligarh Law Journals, Aligarh 2007-08

7. Ibid.

that days are not very far when we will reach the twilight stage like our parents. Please remember our old parents are yesterday's children and we are tomorrow old parents. Old age is the closing period in the life span.

The non-Governmental organization (NGOs) involved in the welfare of the senior citizens should be encouraged and strengthened by the Government so that they could deliver services to the needy senior citizens in a respectful manner. Efforts should be made by NGOs to utilize the latent skills and rich experiences of older people.

Conclusion and Suggestions:

I feel that the education system must make children sensitive to the need of old parents and voluntary organization must take up the challenge of caring for the elderly. At the same time, there is need for generation awareness about the legal provisions for older parents and for establishing institution methodology for providing services to the elderly.

Despite the efforts the Government for the welfare and care of the elderly people, many of the schemes are not successful due to non-adjustment of the attitude towards the programmes by the senior citizens. Many studies have revealed that the old age homes in the metro cities are not in full capacity because most of the old people do not want to live there. They do not get emotional support in the old age homes

which they share with their family members, in spite of other atrocities they receive. So, the best could be to strengthen the family system and try to motivate the family members to take care of the aged. Family Counselling centers could be established.

The elderly should be considered as a valuable as a valuable human resource and their rich experience and residual capacities should be put to optimum use for the benefit of national development. To retain their respect and dignity, old-age insurance schemes can be initiated by the Government.

Abundance of time and of any task makes the old persons idle and emotionally deprived as there is seldom anybody to talk to them or share sometime with them. Organizing activity classes desired by them will compensate for their depression due to lack of emotional support from near and dear ones. Enhancing social networking among the elderly will contribute to their being updated about the latest in the world. Organizing community gathering which include participation of senior citizens of the neighborhood will sensitize the younger generation about the problems of elderly and inculcate feeling of doing service for the old.

ATLEAST A DUST BIN IS USED TO COLLECT WASTE MATERIAL, but Human life after attaining aged and with sickness is fit for nothing, they can only survive with Affection and Moral support.

SCIENCE AND TECHNOLOGIES AND DEVELOPMENT IN SURROGACY – MAJOR CHALLENGES

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MONEY CANNOT BUY EVERYTHING, but if you believe in the Philosophy of parenthood was one among them. You can be certain to have that belief fall flat.