

**Identification of possible gaps in the protection of the human rights of older persons and how best to address them**

**(a) Equality and non-discrimination:**

Right to equality has been guaranteed by the Constitution of India as a Fundamental Right. These provisions apply equally to older persons of the country. Government of India announced the National Policy on Older Persons (NPOP), 1999, which seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored or marginalized. The Policy recognizes that the rights of older persons are not violated and they get opportunities and equitable share in development benefits, different sectors of development, programmes and administrative actions etc. Further, the Policy aims to strengthen their legitimate place in society and help older persons to live the last phase of their life with purpose, dignity and peace. Since the Policy promotes equality to access rights and resources to all senior citizens, the Schemes and Programmes, being implemented for welfare of senior citizens, cater to all, including indigent senior citizens, women senior citizens, senior citizens living in rural areas etc.

**(b) Violence, neglect and abuse:**

The National Policy on Older Persons recognises that senior citizens become victims of fraudulent dealings and of physical and emotional abuse within and outside the household, especially the older females who become victims of triple neglect and discrimination on account of gender, widowhood and age. Widows' rights of inheritance, occupancy and disposal are at times violated by their own children and relatives. The Policy places preferences to address to personal issues/grievances of senior citizens on priority in public offices and civic bodies so that they don't feel neglected. Government has enacted the Maintenance and Welfare of Parents and Senior Citizens Act in 2007, interalia for protection of life and property of senior citizens. This includes constitution of Tribunals at the Sub-Division as well as at District level in order to cater to issues of neglect, maintenance, abandonment and abuse of the senior citizens. Toll-free National Helpline for senior citizens also provides protective and emotional services to senior citizens in distress.

**(c) Long-term care and palliative care:**

With advancing age, senior citizens have to cope with health and associated problems, some of which may be chronic, of a multiple nature, require constant attention and carry the risk of disability. Some health problems require long term management of illness, and at times, nursing care. In India, providing long-term and palliative care to senior citizens come under the purview of family responsibilities. However, fast paced lifestyle of younger generation pose challenge to long-term care of senior members of the family. The National Policy on Older Persons identifies the need for providing training and orientation to medical and para-medical personnel in primary, secondary and tertiary health care of the elderly. Strengthening family and quality homecare of elderly have also been highlighted in National Policy. For the old who are chronically ill and are deprived of family support, hospices supported or assisted by the State or charity or voluntary organizations are being implemented. Central Government supports Continuous Care Homes for chronically ill indigent senior citizens.

**(d) Autonomy and Independence:**

With age, senior citizens become dependent on their family members and relatives. However, Government intends to keep senior citizens independent in their last phase of life by providing economic security, digital and financial literacy, encouraging to participate in socially relevant activities etc. so as to keep their self-esteem high and lead a meaningful life.

**(e) Protection et securite sociale:**

National Policy recognises senior citizens as soft targets for criminal elements. They are also victims of fraudulent dealings, physical and emotional abuse, domestic violence, often to give up their rights over property etc. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 caters to financial protection and protection of life and property of senior citizens through Tribunals constituted at the Sub-Division and also at District level. Toll-free National Helpline for senior citizens, named 'Elderline', also provides protective and emotional services to distressed senior citizens. In addition to providing legal protection to senior citizens, free legal aid and advices are provided to needy senior citizens through Sub-Divisional Legal Services Committee and District Legal Services Authority. Ministry of Home Affairs has also

issued Advisories to every State to direct Police to keep friendly vigil on older couples or old single persons living alone, promote mechanisms of interaction with neighbourhood associations to prevent unauthorised entry of domestic helps, repair and maintenance persons, vendors and others.

**(f) Education, Training, Lifelong learning and capacity building:**

The National Policy on Older Persons promotes for education, training and information needs of older persons. Information and educational material, especially relevant to the lives of older people, have been widely disseminated using mass media and non-formal communication channels. Opportunities for education, training and orientation are provided to senior citizens also through National Helpline for Senior Citizens/Elderline. Online training and awareness program with various stakeholders, including senior citizens, are being organized on issues relating to geriatric healthcare, nutritional diet, psychological needs, inter-generational bonding etc. Access of older persons to libraries, research institutions, cultural centres etc are facilitated by the National Policy.

**(g) Right to Work and Access to the Labour Market:**

The National Policy on Older Persons recognises potential amongst senior citizens and promotes for productive ageing, including strengthening and contributing in family and society at large. Government intends to harness the knowledge, skill and experience of senior citizens by encouraging volunteerism and providing opportunities and facilities like Podcast and Mentorship portal to enable them to given back to society. Government is also encouraging start-ups by senior citizens on products and services suitable for them.

**(h) Access to justice:**

Like every other citizen of the country, right to justice is applicable on senior citizens as well. Ministry of Law and Justice had issued instruction to all State High Courts of the country to setup Fast Track Courts to deal with civil cases pertaining to senior citizens, women, children etc. In addition to this, under Maintenance and Welfare of Parents and Senior

Citizens Act 2007, Tribunals have been constituted to provide justice to senior citizens through simple, inexpensive and less time-consuming procedures. Moreover, there are effective mechanisms for redressal of grievances of senior citizens through online platform named Centralised Public Grievance Redress and Monitoring System (CPGRAMS) and update/information on redressal of specific grievance sent may be sought through Right to Information (RTI) portal. Toll-free National Helpline for Senior Citizens 'Elderline' also resolves grievances of senior citizens. In addition to these, National Human Rights Commission (NHRC) has a Task Group dealing with emergent issues pertaining to welfare of senior citizens from time-to-time.

**(i) Contribution of older persons to sustainable development:**

Senior Citizens, coming from different social and financial strata of the society, have been contributing in the overall development of the society. This starts from the family itself. The National Policy on Older Persons recognises potential amongst senior citizens and promotes for productive ageing. Government intends to harness the knowledge, skill and experience of senior citizens by providing opportunities and facilities like Podcast and Mentorship portal to enable them to contribute and volunteer for providing digital, legal and financial literacy to community and society at large, so as to provide them a life of dignity and purposefulness. Government is also encouraging start-ups by senior citizens on products and services suitable for them.

**(j) Economic security:**

The National Policy on Older Persons, 1999, envisages financial security to senior citizens which includes pension for senior citizens, sensitive taxation policies, long-term saving instruments, income-generating activities etc. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for maintenance allowances to parents and senior citizens by children and relatives, revocation of transfer of property by senior citizens in case of neglect by relatives etc. Various concessions in travel fare, entry fees and higher rate of interest in saving bank accounts are being provided to senior citizens. Distribution of free or highly subsidized foodgrains to senior citizens belonging to below poverty line, are being provided to those who are not covered under monthly pension. Government is also encouraging start-ups by senior citizens on products and services suitable for them.

**(k) Right to Health and Access to Health Services:**

Constitution of India guarantees a fundamental right to life & personal liberty. The right to health is inherent to a life with dignity. The National Policy on Older Persons, 1999 lays down guidelines to promote good and affordable health services, subsidized for the poor and a graded system of user charges for others. The Policy does not discriminate right to health to any senior citizen in terms of intersectional discrimination, gender etc. With respect to age, some preferences in healthcare services have been given to those senior citizens who come under the 80+ age-group to counter frailty. It recognizes primary health care system as the basic structure of public healthcare, which is to be strengthened and oriented to be able to meet the healthcare needs of older persons. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 have provision for medical care and research on healthcare aspects of senior citizens. Public healthcare services i.e, preventive, curative, restorative and rehabilitative and geriatric care facilities have been strengthened under Ministry of Health and Family Welfare's 'National Programme for the Health Care of Elderly (NPHCE)'. The Policy also recognizes that with advancing age, old persons have to cope with health and associated problems which may be chronic, multiple nature, require constant attention, carry risk of disability, loss of autonomy etc. Under the Scheme of 'Rastriya Vayoshri Yojana', Assisted Living Devices are being distributed free of cost to senior citizens belonging to BPL families or within monthly income of Rs. 15000/- and having age-related disabilities.

**(l) Social Inclusion:**

The National Policy on Older Persons, 1999 recognizes senior citizens as huge untapped resource, and promotes for facilities to be made available so that this potential is realized. It recognizes family as the most cherished social institution in India where senior citizens can contribute the most by reinforcing moral values, caring and sharing attitudes among members of the family. It promotes for active social inclusion of senior citizens in every sphere of life, both inside and outside home, for promoting inter-generational bonding, mentoring youth and children etc. and that they get opportunities and equitable share in development benefits. The Policy promotes for Senior Citizen Associations so that they remain active and productive for the society at large.

**(m) Accessibility, infrastructure and habitat (transport, housing and access)**

The National Policy recognises Shelter as a basic human need for senior citizens. Ministry of Housing and Urban Affairs has prescribed Harmonised Guidelines and Space Standards for creation of elder friendly barrier free environment with reference to buildings, toilets etc. for Urban Local Bodies to implement. These Guidelines intend to address the needs of persons with disabilities and elderly persons. Procurement of low-floor buses with proper spaces for wheel chair has also been emphasized by the Department. Further, all metro rail projects implemented or under implementation in the country are having disabled and elder friendly infrastructure such as proper ramps/lifts to the stations, level boarding for the alighting passengers etc. There is also a provision for reservation of seats in metro rail coaches for senior citizens, differently-abled persons and ladies. Further, Housing for All Mission Guidelines, circulated to States and UTs to meet the demand of housing in their States and UTs, incorporated that - 'while making the allotment, families with senior citizens should be given priority for allotment on ground floor or lower floors'. Further, 'Accessible India Campaign' includes creation of elder friendly barrier free environment in buildings, public toilets, buses, bus-stands, airports and other public places in order to create age-friendly cities.

**(n) Participation in the public life and in decision-making processes**

Senior citizens of the country constitute 8.6% of the total population, as per Census 2011. The decision-making process seeks to involve them to a much larger extent specially since their proportion which will rise in the coming years. The National Policy believes in the empowerment of older persons so that they can acquire better control over their lives and participate in decision making on matters which affect them as well as on other issues as equal partners in the development process. The decision-making process seeks to involve them to a much larger extent especially, when there will be a rise in their proportion in the coming years.

**Questions:**

1. Please state how your Government/organisation has engaged with international and regional human rights mechanisms, specifically with regard to older persons.
2. Have those engagements resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate.
3. What other options can be considered to strengthen the protection of older persons? Please elaborate.
4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments?

**Reply (Q. No. 1 to 4):**

Government of India's association with international forums for protecting human rights of senior citizens helps it in revising Policy, Legislation and in devising Schemes and Programmes which are beneficial to senior citizens from time-to-time, keeping in pace with the changing world scenario and experience across.

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