

Strengthening protection of human rights of older persons: Experience from India & looking forward for a better world for older persons

Maintenance and Welfare of Parents & Senior Citizens Act, a federal act passed by the Government of India in 2007, provides the basic legal framework for protection of the rights of older people in India. The Act lays down easy, hassle-free steps for older persons to seek justice. They don't have to pay any court fees, have a right to have their cases heard on a priority basis and within a fixed time limit and are entitled to interim maintenance till the case is disposed of. It also prescribes punishment for children who abandon their parents.

The Act also makes it obligatory for children to look after the physical and mental well being of their parents and other older members of the family, mandates the setting up of old age homes across the country and provides several other benefits like preferential and concessional treatment at government hospitals, concessions in air and rail travel and telephone bills and rebates in income tax.

Besides, there are several other mechanisms available to senior citizens to live a dignified life. Article 21 of the Indian Constitution guarantees the right to life (which includes the right to live life with dignity) and property to all citizens, including older persons. Article 41 of the Constitution obliges the State to make effective provisions for old age, sickness and disablement. Section 20 of the Hindu Maintenance & Succession Act and Section 125 of the Criminal Procedure Code (Cr PC) make it obligatory for children to look after their old parents.

In keeping with the spirit of the 2007 federal Act, all states of the Union of India have launched their own welfare schemes for older persons, which include setting up of old age homes, establishment of Maintenance Tribunals at the sub-divisional level and payment of old age pension. The pension amounts fixed by various state governments are ranges between Rs200 -1500 Indian Rupees . Similarly, the 2007 federal Act caps the payment of maintenance at a maximum of 10, 000 INR.

There is need of fixation of old age pension considering the present price index.

Despite all these judicial and non-judicial remedies, however, it hasn't been easy for the elderly to **access justice** due to ignorance & lack of proper knowledge on provisioning. One of the biggest challenge is since their complaints are mostly against their children under whose care they are, older people often find it difficult or uncomfortable to approach the courts.

As per the Indian Constitution, no citizen can be discriminated against in exercising the **right to work** on grounds of age, among other things. But in actual practice, employers are generally reluctant to employ older people. With the rise in life expectancy, the age of retirement has been raised for government jobs. But it still leaves a vast number of people, whose productive capacities can be put to good use, outside the job market.

Age specific skill development programmes are needed to focus on older people's capacity enhancement.

Odisha, a state in India, is having a Senior citizens security cells functioning at dist police offices & commissionerate police at Bhubaneswar & Cuttack to provide safe & secure atmosphere to senior

citizens of the society. Separate designated police officials need to be appointed to address the issues of older people as they are vulnerable to abuse & violence.

There is need of adequate old age homes with necessary medical facilities for geriatric care to address the issues of isolated, alone, homeless, migrated, disabled, without family old persons. Further there is requirement of adequate trained care givers.

Promotion and strengthening of appropriate institutional mechanism to monitor the implementation of existing legal & executive provisions, guaranteeing a life of dignity of older people can bring difference in the present scenario.

Govt of India has prepared a draft National Action Plan for senior citizens which aims at addressing four key needs of the senior citizens – financial security, food, health care & a life of dignity.

The private actors like civil society organisations/NGOs need to play significant role in the field of awareness generation, skill development, care giving, rehabilitation, ensuring access to entitlements, counselling, alternative care, promoting health & wellbeing, promoting safe environment, family reintegration, behavioural change etc. Business houses need to invest for the purpose as part of their social responsibility. More research and database development required to document the situation, trend & good practices. The subject may be introduced in school curriculum for bridging the inter generation gap. In the disaster situation there is emerging need for special packages for older people. Increasing investment at all levels by Govts and Private sectors & international cooperation is highly required to ensure dignified life of older people.