

National Human Rights Commission

Inputs on the Questionnaire received from the Coordination Section on “13th Session of the Open Ended Working Group on Ageing”

Focus area 1: Right to health and access to health services

National legal and policy framework

1. **What are the legal provisions and policy frameworks in your country that guarantee the right of older persons to the enjoyment of the highest attainable standard of physical and mental health, including access to promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services?**

As envisaged in the Constitution of India, the Article 21 protects life and personal liberty of an individual. Further, the judicial intervention expands the scope of Article 21 by which it paves way to include the various types of rights including right to health and medical care, emergency aid to medical facilities, right to livelihood, right to live a dignified life and many other rights. Apart from these above, there are so many landmark judgments, which directly do help to uplift the vulnerable position of the deprived senior citizen.

The legal provisions and policy frameworks in India that guarantee the protection of rights of older persons to enjoy the highest attainable standard of physical and mental health include *the Maintenance and Welfare of Parents and Senior Citizens Act, 2007*. In the Section 20 of the Act provides for the maintenance and welfare of senior citizens, including access to medical facilities which includes provision for facility for treatment of chronic, terminal and degenerative diseases. The next policy is the National Policy for Senior Citizens, 2011 which provides for the healthcare needs of senior citizens including good, affordable health service, heavily subsidized for the poor and a graded system of user charges for others.

The Mental Health Care Act, 2017 was enacted with the objective to ensure healthcare, treatment and rehabilitation of persons with mental illness as well as to protect and promote the rights of persons with mental illness, which also includes older persons.

Further, to improve the access to physical and mental health, the Government of India has introduced the following, National Health Mission, 2013; Rashtriya Vayoshri Yojana, 2017; the Pradhan Mantri Jan Arogya Yojana (PMJAY), 2018, all these schemes provide for the access to promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services for older persons in India.

The National Programme for Health Care of Elderly (NPHCE), 2010, provides for comprehensive health care services to older persons, including promotive, preventive,

curative, rehabilitative, and palliative care services. The National Programme for Mental Health Care of Elderly provides for mental health services for the elderly. Further, the Rashtriya Swasthya Bima Yojana (RSBY), 2008 provides health insurance coverage to older persons up to the age of 75 years.

2. What steps have been taken to ensure that every older person has access to affordable and good quality health care and services in older age without discrimination?

The Government of India has launched several schemes for welfare of elderly persons. These schemes include National Programme for the Health Care of Elderly (NPHCE), Varishtha Mediciclaim Policy, The policy acts as a security for senior citizens who are more prone to suffer from ailments and age-related illnesses. Senior citizens within the age of 60 to 80 years can benefit from such a policy. Rashtriya Vayoshri Yojana, 2017, under the scheme Physical Aids and Assisted-living Devices are provided to Senior citizens belonging to below poverty line, Pradhan Mantri Vaya Vandana Scheme (PMVVY), 2017, Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Varishtha Pension Bima Yojana, Varishtha Mediciclaim Policy, The policy acts as a security for senior citizens who are more prone to suffer from ailments and age-related illnesses and provides necessary financial support. Further, the Pradhan Mantri Jan Arogya Yojana (PMJAY), 2018; These provisions provide access to promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services for older persons in India.

3. What data and research are available regarding older persons' right to health and access to health care and services? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor the full realization of the right to health of older persons.

The first Longitudinal Ageing Study in India (LASI) by the Union Ministry of Family and Health Welfare on January 6, 2020 is a full-scale national survey of scientific investigation of the health, economic, and social determinants and consequences of population aging in India. The LASI is a nationally representative survey over 73,000 older adults age 45 and above across all states and union territories of India. LASI is envisioned to be conducted every 3 years for the next 25 years. It is well-positioned to evaluate the effect of changing policies on the behavioural outcomes in India.

The Ministry of Health and Family Welfare (MoHFW) has also conducted research on "Healthcare Utilization among Elderly Population in India". The report provides information on the utilization of healthcare and access to healthcare services for elderly in terms of type of health facility and region.

The National Family Health Survey (NFHS) collects data on health indicators at the national, state and district level, disaggregated by sex, age, and other inequality dimensions

such as place of residence and socio-economic characteristics. It surveys the health status of India's older population, and collects data on health-related indicators such as access to health care, utilization of health care services, immunization coverage, and health behaviors.

The National Health Mission (NHM) collects data on the health of India's older population. It collects data on health indicators such as access to health care, utilization of health care services, availability of medical facilities, and health behaviors. It also collects data on the health status of the older population, including morbidity and mortality, and on the socio-economic status of the elderly population.

The National Sample Survey Office (NSSO) collects data on the health and health-care utilization of the elderly population in India including the use of medical facilities and health-care services, including hospitalization and outpatient visits. It also collects data on the availability of health services in rural and urban areas, and on the socio-economic status of older persons.

The Ministry of Health and Family Welfare collects data on the health of India's elderly population through the National Health Accounts (NHA) survey, it collects data on the expenditure, utilization, and sources of financing of health care services including data on the availability and utilization of public health services, as well as socio-economic status of older persons. Data collected by the NSSO and NHA, as well as the health indicators collected by the NHM, are disaggregated by sex, age, and other demographic characteristics. These data are used to monitor the full realization of the right to health of older persons in India. The data can be used to identify gaps in access to health care, utilization of health services, and health outcomes for older persons.

The National Human Rights Commission as mandated by the PHR Act, 1993, has entrusted following research studies pertaining to assessment of quality of life of older persons living in old age homes .

- i. Life Satisfaction & Quality of Life of the Elderly Living in Old- Age Homes: A Comparative Study of Western India and North East India. And
- ii. Study of quality of life of the elderly persons living in old age homes with special reference to the North region

4. What steps have been taken to provide appropriate training for legislators, policymakers, healthcare personnel on the right to health of older persons?

To provide appropriate training for legislators, policymakers, healthcare personnel on the right to health of older persons various measures have been taken for this, National Programme for the Health Care of the Elderly (NPHCE) is in place to provide comprehensive primary health care services to the elderly population, this includes training of healthcare personnel involved in geriatric care. The Government of India has taken various initiatives to promote the training of health care personnel on geriatrics and

gerontology. This includes various training programmes for doctors, nurses, paramedical staff and other healthcare personnel to train them in geriatrics and palliative care and the setting up of the National Institute of Ageing in Delhi, the National Institute of Geriatric Medicine in Mumbai, the National Institute of Mental Health and Neurosciences (NIMHANS), and the All India Institute of Medical Sciences (AIIMS).

The Ministry of Health and Family Welfare, India has set up the National Institute of Ageing to provide training, research and advocacy services for the elderly and the Ministry of Social Justice and Empowerment organizes training programs across the country to build the capacity of health and care personnel, legislators, and policymakers on the right to health of the elderly. These training programs are conducted in coordination with state governments and civil society organizations. Several publications and research papers have also been published by the Government of India, civil society organizations, and academic institutions to provide information on the right to health of the elderly. These publications and research papers are available for free or at a nominal cost and can be accessed online. Additionally, several e-learning modules have been developed by the Government of India and civil society organizations to provide training to legislators, policymakers, health and care personnel on the right to health of the elderly. These modules are available online and can be accessed on a variety of devices.

Progressive realization and the use of maximum available resources

- 5. What steps have been taken to align macroeconomic policies and measures with international human rights law, to use maximum available resources for the realization of older persons' right to health, such as through expanding fiscal space, adopting targeted measures and international cooperation?**

The Government of India has taken several steps to align macroeconomic policies and measures with international human rights law in India. To expand fiscal space, the Government of India has introduced the National Social Assistance Program (NSAP), a welfare programme administered by the Ministry of Rural Development, which provides social assistance benefits to poor households in the case of old age, death of the breadwinner. Additionally, the Pradhan Mantri Jan Arogya Yojana (PMJAY) to support economically weaker sections of the society that need help. To target measures for older persons, the Indian Government has launched the National Programme for Health Care of the Elderly (NPHCE), this programme aims to provide comprehensive health care services for the elderly through a network of health care centers.

Equality and non-discrimination

- 6. What are the challenges faced by older persons in their enjoyment of the right to health, including the impact of intersectional discrimination and inequality based on age, gender, disability and other grounds?**

In India, older persons face a variety of challenges in their enjoyment of the right to health. These include

- i. **Difficulty in accessing healthcare:** due to poverty and lack of economic resources, older persons may not be able to access healthcare services, including preventive, curative and rehabilitative services
- ii. **Limited access to information and communication technology:** Due to the lack of access to technology, older persons may not be able to access health information, advice, and support services.

7. What measures have been taken to eliminate ageism and discrimination based on age, including discriminatory laws, policies, practices, social norms and stereotypes that perpetuate health inequalities among older persons and prevent older persons from enjoying their right to health?

Article 41 of the Constitution secures the right of senior citizens to employment, education and public assistance. It also ensures that the state must uphold these rights in cases of disability, old age or sickness. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is in place along with the National policy for Senior Citizens which aims to ensure equal treatment without any discrimination for older persons. The same is supported by the National Policy for Senior Citizens, 2011 and the welfare schemes initiated by the GoI.

8. What measures have been taken to ensure that older persons are able to exercise their legal capacity on an equal basis with others, including making an informed consent, decisions and choices about their treatment and care?

The Government of India has taken a number of measures to ensure that older persons are able to exercise their legal capacity on an equal basis with others. Laws such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Mental Health Care Act, 2017, and the Rights of Persons with Disabilities Act, 2016 provide legal protection and support to older persons and promote their rights. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, provides for the recognition of legal capacity of persons with disabilities, including older persons, in all matters. The GoI has also implemented various initiatives such as the National Program for Health Care of the Elderly, which provides comprehensive primary health care services to elderly persons, and the Indira Gandhi National Old Age Pension Scheme, which provides a regular source of income to elderly persons who do not have any other source of income. The government has also set up a helpline called 'Aasra', which provides free legal advice and counseling to elderly persons.

Regarding the informed consent, decisions and choices about treatment the Medical Council of India has issued guidelines on informed consent in medical practice. These guidelines require that all medical practitioners must provide information to the patient in a language

they understand, and then obtain the patient's free and informed consent before any medical procedure is undertaken.

The Mental Health Care Act, 2017, which came into effect in 2018, provides a framework for the protection of the rights of persons with mental illness. The act states that all persons with mental illness shall have the right to make their own decisions and choices with respect to their treatment and care, and shall be supported to do so.

Further, The Supreme Court of India has issued a number of judgments to ensure the protection of the legal capacity of older persons, including those with dementia, to make decisions for themselves.

Accountability

9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for the denial of their right to health?

Article 21 of Indian constitution protects life and personal liberty of an individual. Further, the judicial intervention expands the scope of Article 21 by which it paves way to include the various types of rights including right to health and medical care, emergency aid to medical facilities, right to livelihood, right to live a dignified life and many other rights. Apart from these above, there are so many landmark judgments, which directly do help to uplift the vulnerable position of the deprived senior citizen.

Judicial Mechanisms:

The Constitution of India grants all citizens equal rights, including the right to health. Older persons can file a writ petition as given in Article 32 and under Article 226 before the Supreme Court and the High Court respectively for the enforcement of their rights. The Supreme Court and High Courts in India have the power to intervene in cases related to the denial of the right to health of older persons.

Non-Judicial Mechanisms:

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides a mechanism for the maintenance and welfare of older persons. Section 7 of the Act, provides for constitution of Maintenance Tribunal for the welfare and maintenance of senior citizen wherein, and as per the section 7 (2) of the Act, the Tribunal shall be presided over by an officer not below the rank of Sub- Divisional Officer of a State.

The Section 18 of the Act provides that the State Government shall designate a District Social Welfare Officer (DSWO) or an Officer not below the rank of a District Social Welfare Officer (DSWO) as a Maintenance Officer who shall represent a parent if he so

desired before a Tribunal or Appellate tribunal and the same Officer is responsible for the welfare of older persons in the district.

The National Human Rights Commission (NHRC) is also mandated by PHR Act, 1993, to take suo motu cognizance of any violation of the right to health of older persons and take necessary action. Further, Older persons can file a complaint with the National Human Rights Commission (NHRC) if their rights are violated. The NHRC has the power to initiate proceedings against any public servant in case of negligence in the prevention of such violation (Section 12 (a) (ii) of the PHR Act, 1993). State Human Rights Commissions (SHRCs) are also empowered to take suo moto cognizance of violations of the right to health of older persons.

The National Council for Protection of the Rights of Older Persons (NCOP) was established in 1999 to protect and promote the rights of older persons. Older persons can file a complaint with the NCPORP if their right to health is denied.

The Medical Council of India and State Medical Councils have the authority to take action against medical practitioners for negligence or misconduct. As given in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2021.

Elder Line is a National Helpline for Senior Citizens (NHSC) set up by the Department of Social Justice and Empowerment in collaboration with National Institute of Social Defence (NISD), National Informatics Centre (NIC) and participating State/UT Governments.

10. What mechanisms are in place to ensure the effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programmes and services that affect them?

In India, several mechanisms are in place to ensure effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programmes and services that affect them. These include The Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) has a Scheme of National Awards for Senior Citizens ‘Vayoshreshtha Samman’ to showcase the Government’s concern for senior citizens and its commitment towards senior citizens with the aim of strengthening their legitimate place in the society.

Focus area 2: Social Inclusion

- 1. What are the legal provisions, policy frameworks and/or measures in your country that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic or other status?**

The Constitution of India under Article 14 (Equality before law) states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. It is also enshrined in the Article 39A of the Constitution, “The State shall secure the operation of the legal system on a basis of equal opportunity, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”. As envisaged in Article 39A of the Constitution of India, the Legal Services Authorities Act, 1987 provides free Legal Services to the vulnerable sections of the society including older persons. Further, the Maintenance and Welfare of Parents and Senior Citizens, 2007 Act is being implemented, to provide effective provisions for maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution and for matters connected therewith. To cater to the needs of PwDs, the Rights of Persons with Disabilities (RPwD) Act, 2016, was enacted in India with several provisions from the “rights-based” perspective following UNCRPD.

- 2. What legal age limits exist in your country that prevent the full and equal participation of older persons in societies in areas such as employment, education, healthcare, financial goods and services, or others?**

In India, the age of retirement for Central government employees is currently 60 years. The retirement age for State government employees varies from State to State. The main Indian law that provides for an age for retirement/superannuation is the Industrial Employment (Standing Orders) Act and Rules there under, as amended by State law. However, the companies in the private sector in India often do not choose to specify an age of retirement. In cases where a private sector company does have a retirement age policy, the age varies between 58-65 years that can be extended at the company’s discretion. With respect to the access to education, healthcare and financial goods and services equal access is provided to all in India.

- 3. What measures are in place, if any, to ensure that older persons in institutions segregated from their communities such as institutional care systems or prisons- can continue participating in their society?**

Government of India as introduced Livelihood and Skilling Initiatives for Senior Citizens. It aims to supplement the efforts of the senior citizens by providing them opportunities to enhance their earning and sense of self respect. To encourage the senior citizens of the country to form Self Help Groups for keeping themselves engaged for

carrying out activities that may result into marketable products. This scheme has two programmes:

- i. **Senior Able Citizens for Re-Employment in Dignity (SACRED) portal:** The portal allows bringing people together by virtual matching of preferences by providing the Senior Citizens a platform to connect with the private enterprises for certain positions. For this, the Ministry of Social Justice and Empowerment has dedicated the SACRED portal (<http://sacred.dosje.gov.in>) to the Nation on 01.10.2021.
- ii. **Action Groups Aimed at Social Reconstruction (AGRASR Groups):** The Senior Citizens are encouraged to form Self-Help Groups (SHGs), which provide them a platform to share the time constructively with each other. To attain financial assistance under the scheme SHGs function as 'Action Groups Aimed at Social Reconstruction (AGRASR Groups).

Further, the National Policy for Senior Citizens: This policy outlines the government's commitment to providing social security and health services for older persons. The Senior Citizen Helpline provides assistance to senior citizens across India, including those residing in institutional care systems or prisons. Under the Atal Vayo Abhyuday Yojana (AVYAY), Grant in aid is provided to NGOs/Voluntary Organisations for running and maintenance of Senior Citizen Homes (Old Age Homes), Continuous Care Homes, etc. All these Homes are mandated to maintain the standard norms prescribed in the scheme. Further, the National Programme of Care for the Elderly, provides various health services to elderly persons, including those residing in institutional care systems or prisons.

To look after the rehabilitation of the released prisoners, provisions for 'After-Care and Rehabilitation' of Prisoners are included in the Prison Manual 2016, which aims to ensure that after care services should be extended to all needy prisoners, conditionally or unconditionally or on license including extending help, guidance, counseling, support and protection to all released prisoners whenever necessary and assisting in the process of the individual's physical, mental, vocational, social and attitudinal post-release readjustment and ultimate rehabilitation. For which, the states are also directed to pay special attention for protection and post care which includes the older persons as well.

Guiding questions for defining the normative content of the issues examined at the twelfth session

Focus Area 1: Contribution of older persons to sustainable development

Definition

- 1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. The goals of the SDGs are based on human rights perspective which is also the spirit of the Constitution of India. The Constitution of India contains Right to Equality (Articles 14 - 18) the right to equality provides for the equal treatment of everyone before the law, prevents discrimination on various grounds, treats everybody as equals in matters of public employment, and abolishes untouchability, and titles. Article 21 provides two rights, Right to life & Right to personal liberty. All these rights together contribute in paving the way to achieve sustainable development goals with respect to older persons.

Scope of the rights

- 2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as; right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of sustainable development; elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices; right to freedom of expression, including freedom to seek, receive and impart information; right of peaceful assembly; right to freedom of association; right to take part in the government of his country, directly or through freely chosen representatives; right to development, including older persons as active participants and beneficiaries of development; active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes; access to prompt remedies and redress when older persons' above mentioned rights are violated.**

Article 14 of the Constitution of India provides for equality to all the people and absence of any discrimination on grounds such as sex, caste, religion etc. Article 15; prohibits discrimination by the state against any citizen on grounds 'only' of caste, religion, sex, race, and place of birth. Fundamental rights are provided to every citizen of the country without any discrimination, which includes senior citizens as well. Under Article 11 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to

receive and impart information and ideas without interference by public authority and regardless of frontiers. Constitutional Provisions Article 19 (1) (b) guarantees the freedom to assemble in peace and without armaments. This includes the right to conduct public meetings, go on hunger strikes, and march in processions. Under Article 19 (1) (c) – on Freedom of Association or Union – The Constitution of India declares that all citizens of India shall have the right to form associations and unions. The Constitution of India declares that no citizen has a fundamental right under Article 19 (1) (c) to be a voluntary association or a cooperative society.

State obligations

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' contribution to sustainable development?

The 2030 Agenda for Sustainable Development sets out a universal plan of action to achieve sustainable development in a balanced manner and seeks to realize the human rights of all people. It calls for leaving no one behind and for ensuring that the Sustainable Development Goals (SDGs) are met for all segments of society, at all ages, with a particular focus on the most vulnerable—including older persons. To fulfil these goals, it is essential that the legislative provisions are implemented in letter and in spirit for which it is also essential to include older persons as the active agents of societal development in order to achieve truly transformative, inclusive and sustainable development outcomes.

Implementation

4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?

In adoption of the rights based framework in addition to the existing rights and legal framework, including policy, several welfare schemes are initiated to secure rights of older persons. Atal Vayo Abhyudaya Yojana (AVYAY) is a Central Sector Scheme, 2018 to improve the quality of life of the Senior Citizens (Revised as on 01.04.2018) , implemented by the Ministry of Social Justice and Empowerment India, aims to provide basic amenities like shelter, food, medical care and entertainment opportunities and by encouraging productive and active ageing through providing support for capacity building of State/ UT Governments/Non-Governmental Organizations (NGOs)/ Panchayati Raj Institutions (PRIs) / local bodies and the community at large.

The National Program of Health-Care for the Elderly (NPHCE), 2010 is an articulation of the International and national commitments of the Government as envisaged under the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and Section 20 of “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007” dealing with the provisions for medical care of Senior Citizen. In 2012, the National Council of Senior Citizens (NCSrC) was constituted in order to encourage more participation from every region.

With a objective to enhance access to legal aid, To improve social and political participation NITI Ayog India has designed a model of Online Dispute Resolution (ODR) Policy plan for India which can help in not just dispute resolution but also in dispute containment, dispute avoidance and promotion of general legal health of the country and, delivery through virtual courts will increase access to justice and result in an affordable and citizen friendly legal system.

Main Challenges: The Ministry of Social Justice and Empowerment has launched the Senior Able Citizens for ReEmployment in Dignity (SACRED) Portal to engage older persons in work force and ensure that the elderly population is well taken care of by their own family and also by the society. Elderly abuse is one of the fastest growing issue faced by the elderly and it has been observed that this abuse is being done by the family members. To cater to complaints, needs and queries of older persons the Ministry of Social Justice & Empowerment has launched a central toll-free helpline on 17th May 2021 to provide assistance to the country's elderly population. The helpline provides information on old age homes, caregiver services, activity centres along with interventions for abandoned or abused elders, and legal guidance and counselling, where needed. Further, as older women are more likely to live alone. They suffer from financial problems and inadequacy or lack of access to public health facilities; they are more prone to mental health issues etc. Therefore, there is a need to cater to their needs with effective implementation of the existing schemes.

Guiding questions for defining the normative content of the issues examined at the twelfth session

Focus Area 2: Economic Security

Definition

- 1. How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

Article 38(1) of the Constitution enjoins the State to strive to promote welfare of the people by securing and protecting as effective as it may a social order in which justice, social, economic and political, shall inform all institutions of the national life. In particular, the State shall strive to minimize the inequalities in status, facilities and opportunities. To ease burden of senior citizens above the age of 75 years, exemption is given to them from filing income tax returns if they only have pension income and interest income. The provisions pertaining to economic wellbeing are included in the Chapter on Directive principles of State Policy. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ensures legal right to older persons to maintenance by the family members and the government is under obligation to provide geriatric health care and old age homes in each district for destitute older persons. Under the Indira Gandhi National Old Age Pension Scheme (IGNOAPS) senior citizens (Below Poverty Line) are entitled to receive monthly pension.

Scope of the rights

- 2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:**
 - a. right to social security; including regular adjustment of benefits with changes in living costs;**
 - b. right to adequate standard of living, including housing, clothing, food and water, among others;**
 - c. right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;**
 - d. prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;**
 - e. the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information; and rights to peaceful assembly and freedom of association;**
 - f. active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes;**
 - g. access to prompt remedies and redress when older persons' above mentioned rights are violated.**

Article 41 of the Constitution secures the right of senior citizens to employment, education and public assistance. It also ensures that the state must uphold these rights in cases of disability, old

age or sickness whereas the Article 14 of the Indian Constitution provides that, “The State shall not deny to any person equality before the law and the equal protection of the laws within the territory of India”. The Government has introduced schemes that are targeted specifically at older persons Below Poverty Line (BPL). Indira Gandhi National Old Age Pension Scheme (IGNOAPS) is a big step towards fulfillment of Article 41(provision for securing the right to public assistance) and 42 (raise levels of nutrition and standard of living) of the constitution

Constitution of India envisages right to work for elderly through Article 41 which stipulates that “The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.” It places obligation upon the State to provide job opportunities and other help to the elderly so that they can earn and live a respectful and independent life. The Constitution of India under Article 14 (Equality before law) states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

State obligations

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons’ economic security?

The Government of India perceives a major and critical role of all State Governments in partnering and implementing this Action Plan for welfare of senior citizens. Appreciating the critical and significant role of States/UTs, each State/UT is expected to plan and strategize taking into account their local considerations and frame their own State Action Plans for the welfare of their senior citizens. The effectiveness of implementation of the welfare schemes, Action plans and policy framework is observed time to time to see the progress. Therefore, it is essential that such policies and schemes should be implemented on priority by all the States/UTs .

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons’ economic security?

The National Action Plan for Senior Citizens (NAPSrC) covers all possible affirmative action’s which can be taken for the welfare and well-being of the Senior Citizens in the county enabling each one of them to live a life of dignity including ensuring financial security. This includes State Action Plan for Senior Citizens. NAPSrC has also identified initiatives to be taken by different Departments for the benefit of senior citizens. As the number of senior citizens increase – from 10.38 Crore in 2011 to an estimated 17.3 Crore in 2026 and 30 Crore in 2050 - the need for programmes for their welfare increases. Increase in life expectancy, coupled with nuclearization of families, dependency on others for their day-to-day maintenance and age-related difficulties; pose a tough challenge to the lives of elderly people.