

Legal and Policy Framework relating to older persons

- India is home to over 135 million old persons and this population segment is expected to reach nearly 20 percent of our population in 2050.
- India has a strong legal and policy framework for the safety and welfare of older persons. The well-being of senior citizens is mandated in the Constitution of India under Article 41 which enjoins the State to make effective provision for securing the right to work and to public assistance in cases of old age.
- India has adopted progressive laws and policies to enable elderly to lead a secure, dignified and productive life. The specific needs of elderly women and older persons living in rural areas is accorded due priority in all relevant schemes and programmes.
- In 2020, the National Action Plan for the Welfare of Senior Citizens was launched that lays down the vision, mission and the plan of action of the Government of India for welfare and wellbeing of senior citizens of the country. It addresses the needs of older persons holistically with special emphasis on four basic needs viz. financial security, food, health care and a life of dignity.
- The National Policy on Older Persons envisages state support for financial and food security, health care, shelter and protection against exploitation. National Old Age Pension Scheme ensures income security to older persons.
- The National Programme for Health Care of Elderly provides for improved health services by setting up geriatric units around the country as well as special clinics for the elderly in government run hospitals.
- The Integrated Program for Senior Citizens and Senior Citizen Welfare Fund facilitate inter-sectoral coordination within Government and provide assistance to civil society and local bodies for their services to senior citizens. There are also provisions for institutional support to widows and older women in vulnerable situations.
- The Maintenance and Welfare of Parents and Senior Citizens Act of 2007 has made care, maintenance and well-being of parents by their children obligatory and justiciable. In cases of abuse, the Act provides the older adults the right to approach a dedicated tribunal.
- As per Section 4 of the Act, a senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application to the Tribunal.
- Section 7 of the Act provides for constitution of Tribunal for the purpose of the Act. Section 19 provides for establishment of old age homes by the State Government.

The Act also contains provisions for medical facilities to be provided to the Senior Citizens.

- Steps are underway to strengthen provisions of safety and welfare of older persons like appointment of nodal police officers for senior citizens at every police station, a dedicated helpline for senior citizens and earmarking beds at all government and private hospitals for older persons.
- According to Section 125(l)(d) of the Code of Criminal Procedure, if any person having sufficient means neglects or refuses to maintain his old parents, unable to maintain himself or herself, a judicial officer can order such person to make a monthly allowance for the maintenance of his father or mother.
- As per Section 20 of the Hindu Adoption and Maintenance Act, 1956 a Hindu is bound, during his or her lifetime, to maintain his or her aged or infirm parents.
- Especially in the context of the COVID-19 pandemic impact on older persons, the Supreme Court of India in the case of **Ashwani Kumar v. Union of India (2020)** directed the Government that all old age people who are eligible for pension should be regularly paid pension and those identified older people should be provided necessary medicines, masks, sanitisers and other essential goods. Further, as and when any individual request is made, the same shall be attended to by the Administration with all promptness. The caregivers of those old age homes should be provided personal protection and appropriate sanitisation should also be undertaken in the old age homes. The Court observed that the elderly people should be given priority in admission in the government hospitals looking to their vulnerability for COVID-19. In event of any complaint made by the elderly people, the hospital administration concerned shall take immediate steps to remedy their grievances.
- Access to justice is a fundamental right of every citizen enshrined in the Constitution of India. To ensure effective and timely justice for older persons, the government plans to establish special tribunals to file claims for maintenance or assistance that should be expeditiously disposed within a time-frame of 60 days. Free legal services are provided to older persons for amicable and effective settlement of disputes.
- Older persons have experience, knowledge and wisdom but they may lack ever-evolving needed skills and training. In this regard, the Continuing Education and Adult Education programmes in India extend literacy, vocational and quality of life training options, to empower and enable older persons to make significant contribution to the socio-economic development of their nation. We have accorded priority to lifelong learning and formulated guidelines to facilitate participation of adult learners in the university system.

- India is firmly committed to protecting, caring and providing for the welfare and wellbeing of its elderly.
