



HUMAN RIGHTS OF OLD AGE PEOPLE IN INDIA

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Abstract

Elderly individuals are often subjected to discrimination and abuse because they are perceived as easily taken advantage of. There is also a prevalent belief among many that elderly persons are worthless in today's fast-paced, globalized and increasingly industrialized world. Obviously, with the number of elderly people on earth at any one time rising rapidly, there is an increased urgency to address the rights and roles of elderly persons.

Keywords: *Elderly, Human Rights, UNO, Constitution, Act.*

INTRODUCTION

In India, persons aged 60 or above are considered elderly or senior citizens. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Gazette of India, December 2007) defines a senior citizen as a person who has attained the age of 60 years or above. The United Nations Organization also treats persons aged 60 years or more as elderly (Group for Economic and Social Studies, 2009). Nevertheless, under the law relating to income tax in India, persons are regarded senior citizens only after they become 65 years old. Those who are between 60 and 74 years old are referred to as younger-old and those who are 75 or more years referred to as old age (GESS, 2009).

According to the United Nations Department of Economic and Social Affairs, one out of every ten people on the planet is now 60 years of age or older. If the current trend of lowering birth rates and lowering death rates continues, by the year 2050, one out of five people will be aged 60 years or older and by 2150, one out of every three people will be aged 60 years or older. Additionally, the oldest old are the most rapidly expanding segment of the elderly population. Currently, the oldest old make up 11 percent of the 60+ age group and will grow to 19 percent by 2050.

The proportion of elderly persons to the total population in India has risen from 5.63 % in 1961 to 7.44 % in 2011. In terms of absolute numbers, the elderly population has gone up from 24.6 million in 1951 to 96 million in 2011. The life expectancy has increased from 40 years in 1951 to 64 years in 2011 (World Bank, 2011). Growth rate of Elderly, i.e. 3.09 %, is higher than that of general population of India, i.e. 1.9 %.

The 1/8th of the World's Elderly Population live in India. Due to fast growing population of older persons, ever-increasing gap between generations and fast demanding lifestyle of young generations, for majority of older person's life is still a struggle, even in Old Age. For most of the older persons Human Rights is a new term for their basic rights. Awareness about Human Rights of Older Persons among older persons is negligible. In urban areas cases of violation of human rights of elderly population is on rise in comparison to rural areas. Popularity of small/nuclear family system, lack of intergenerational interaction, less social interaction of older persons, age discrimination, non-existence of inclusive social security system in the country, etc are among the most important reasons of miserable condition of older persons in urban areas.

Help Age India, carried out a study on "Older Persons in Emergencies: A Case Study of Help Age India". The study concluded that older poor people are at high level of risk in the world's increasing number of conflicts and natural disasters. Numerous studies are conducted for reality check of human rights of elderly. All the studies (Agewell Research and Advocacy Centre, 2011, 2013 and 2014) concluded that the level of awareness about human rights of older people in Indian society, particularly among older persons is very low. Being a developing country, despite fast increasing elderly population, there is no special focus on rights of elderly.

OBJECTIVES

1. To study the status of Human Rights of Elderly Population.
2. To evaluate the constitutional arrangement for the betterment of Elderly.

DATABASE AND METHODOLOGY

The requisite information is obtained from secondary sources. The size, distribution and growth of the elderly population is drawn from the Census data of 2001 and 2011. Besides, data were also obtained from National Sampling Survey Organization (NSSO). The National Sample Survey Organization conducted a sample survey on elderly problems in his 52th round ("The Aged in India: A Socio Economic Profile", July 1995 - June 1996) and 60th round ("Morbidity, Health Care and the Condition of the Aged" January - June 2004) surveys. Some other reports were also used during this research about the



elderly people, i.e., World Health Organization (WHO), United Nations Population division (UNDP) and Help Age International, Help Age India and Agewell Research and Advocacy Centre- India.

DISCUSSION

Demography of Ageing

The large increase in human life expectancy over the years has resulted not only in a very substantial increase in the number of older persons but in a major shift in the age groups of 80 and above. The demographic profile depicts that in the years 2000-2050, the overall population in India will grow by 55 % whereas population of people in their 60 years and above will increase by 326 % and those in the age group of 80+ by 700 % - the fastest growing group (Table 1 and Figure 1).

Table 1: Total and Elderly Population in India

Years	Total Population (Millions)	60+(Millions)	80+ (Millions)
2000	1008	76	6
2050	1572	324	48

Source: World Population Ageing: 1950-2050; Department of Economic and Social Affairs, Population Division, United Nations, New York 2002.

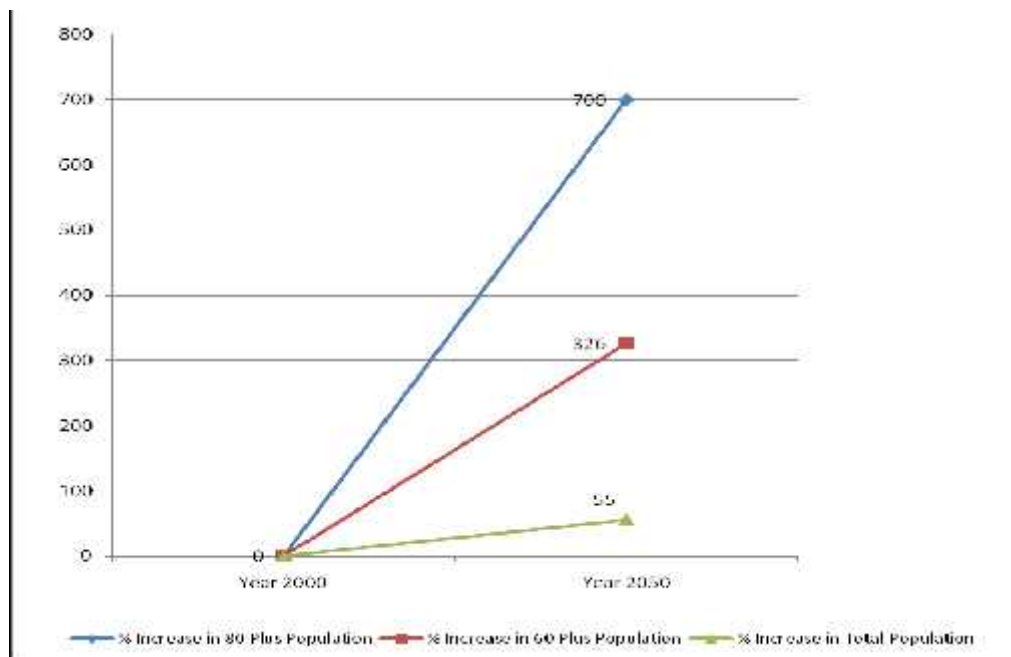


Figure 1: Total and Elderly Population in India

CONSTITUTIONAL SECURITY

In the past few decades, care and well being of elderly has emerged as a major concern for the governments and policy makers all around the world. Laws and regulations relating to the care and protection of the elderly are international issues but most of the developing countries have no specific laws for the elderly. Argentina was the first country to raise the issue of ageing in 1948 and presented a draft declaration on old-age rights to the General Assembly and subsequently, in 1950 a report entitled "Welfare of the Aged: Old Age Rights" was published. Since then several nations have formulated and implemented policies and programmes for the aged population as per their situation and needs. A combined effort to give population ageing a worldwide concern has become a reality only on 14th Dec 1978, when the General Assembly of the United Nations decided to convene a world assembly on ageing in 1982 in Vienna known as Vienna Plan. The UN adopted the principles of independence, participation and care for the elderly in the meeting of general Assembly in 1991. The United Nation encouraged the member nations to incorporate these programs in their national programs for the elderly.

The Second Assembly on ageing was held at Madrid in Spain in 2002 with the objective to guarantee economic and social security of older persons. The Madrid International Plan of Action recommended 117 plans with three priorities for the betterment of old age population. The priority areas are (a) Development with a focus on empowerment and set a target that



at least 50 people's elderly must be covered under adult literacy program by 2015, (b) Better and within reach medical care with an emphasis on HIV/AIDS and (c) An improvement in housing and living condition.

1. PRE-INDEPENDENCE PERIOD

During the colonial period, the British government established laws related to security in old age such as pensions and funds for the workers in formal employment sector. Four major pieces of legislation were introduced from the 1870s to 1940s and were administered by the Royal Commission on Civil Establishment. The pension system for government employees was created in 1881 by Royal Commission on Civil Establishment.

(i) The Workman's Compensation Act (WCA, 1923)

The British enacted a law to provide compensation to all the elderly workers irrespective of wage. This scheme was limited to some occupational diseases contracted by workman during the course of their occupation. The amount of compensation payable to dependents has been stated in the Schedule IV (Section 3). The issues of social security become more important during the early 1940s. The Adarkar Commission report was submitted on August 15, 1944 to outline the foundation for a social security scheme based on several principles. The Adarkar Commission report laid the basis for the creation of various retirement income scheme and other social welfare programmes after independence of India in 1947. The health insurance scheme proposed by the commission materialized in the scope of the Employees State Insurance Act of 1948 and was thoroughly amended in 1966.

2. AFTER INDEPENDENCE

First World Assembly on Ageing was held in 1982 and the adoption of International Plan marked the path of formulation of the national policy for the elderly in India. India is a country which has made legal provisions for the safety, security, integrity and respect of the elderly population. Part XIV and Article 309 of the Constitution of India set forth recruitment and condition of service, including compulsory retirement at age 60 or 65 years for both state government and central and employees respectively. With respect to pensions the state legislations alone have the authority to make amendments to any legislation.

Government of India introduced various schemes and initiatives to promote and protect the welfare for the elderly. These initiatives include financial assistance for the construction of and maintenance of old people's homes and non-institutional services to the elderly. The Hindu Adoptions and Maintenance Act, 1956, section 20 (3) provides for maintenance of aged or infirm parents. This is re-enforced by the maintenance and social welfare for parents and senior citizens act of 2007 which is more inclusive.

The Indian Government introduced a comprehensive programme for care of elderly and called it as National Social Assistance Programme (NSAP, 1995). The NSAP had three major components (1) The National Old Age Pension Schemes (NOAPS) (2) The National Family Benefits Scheme (NFBS) (3) The National Maternity Benefit Scheme (NMBS).

(i) Employees Family Pension Schemes (1971)

The scheme covers the family of the employee's who die in services. The minimum amount and the maximum amount of pension are Rs. 250 and Rs. 750 per month respectively. If a member of the family pension schemes dies after seven years of reckonable services the widow gets family pension. The members of this scheme get two types of benefits in family pensions, life assurance benefits and retirement-cum-withdrawal benefits. As a mark of respect a pension scheme for freedom fighter was introduced in 1972 for and about 1.5 lakh freedom fighters. **Sainik Samman Pension Scheme (SSPS)** provides for a monthly pension of Rs. 3,600 for the elderly.

(ii) National Old - Age Pension Schemes (NOAPS, 1995)

On August 1995, the Government of India announced the National Old- Age Pension Scheme for the poor. The Scheme covers those aged 65+ who are landless, destitute and or have no regular means of subsistence. The beneficiary under this scheme gets an amount of Rs. 75 per month as old age pension. The National Old Age Pension Scheme has been renamed as Indira Gandhi National Old Age Pension Schemes (IGNOPS) in 2007 and the amount of pension has been increased to Rs. 200 per month in 2007 with a provision that the state Governments may contribute over and above to this amount.

A few of the states have just revised the amount of pension by Rs. 275 in Gujarat, Rs. 300 in Delhi, Rs. 400 in West Bengal and Rs. 500 in Goa. In Rajasthan, the amount of pension is Rs. 100 for females aged 55+ and males aged 58+, 200 for those aged 65+ and Rs. 300 for destitute couples (Help-age India, 2002). It covered all persons over 65 who were living below the poverty line. Under NFBS an amount of Rs. 10,000/- are provided as Central Assistance to the households below the poverty line.



(iii) National Policy on Older Persons (NPOP 1999):

Before the introduction of NPOP, the focus of the government was providing financial and social security to the employees only. India has developed a strategic financial security plan for the old. The Ministry of Social Justice and Empowerment has been designated as the nodal ministry to co-ordinate all matters relating to the implementations of the policies (Clause 92). It has set up a National Council for Older persons (Clause 95), a separate Bureau of Older person to look into the problem of the elderly persons (Clause 92).

Monthly allowances will be revised for those living in poverty. Concerning the health care system development for the elderly, the government plans to strengthen the secondary and tertiary care levels. Geriatric facilities in the community will be expanded. Mobile medical care vans and special camps for easy access to health care will be facilitated for the elderly in rural areas. In addition, NGOs will be encouraged and assisted to provide special care, and ambulatory and day care services for the elderly. Furthermore, the Government of India plans to provide shelters for the poor elderly in urban and rural areas (Ministry of Justice and Empowerment, 2001). Access of older persons to libraries of universities, research institutions and culture centres will be a valuable support. The government is also concerned about the younger generation, and are providing some sensitized programmes to develop intergeneration bonding in the family. The Policy also aims also at subsidizing health care network with private sector involvement, increasing standard tax deductions (rebate) for senior citizen and strengthening legislation on parent's right to be supported by their children. However, the policy document is silent about the neglect and discrimination on account of gender, widowhood, age of older females and strategies for the empowerment and active and productive involvement of older persons to ensure their contribution to family, community and society.

(iv) National Council for Older Persons (NCOP, 1999)

National Council for Older Persons envisaged under section 95 of the NPOP, 1999 was established by the Government of India in May 1999. The scheme focused on specific program initiatives for the senior citizens, protection of interests of the older persons and Lobby for the concession of older persons. Article 41 of the Constitution of India makes it obligatory for the State to initiate measures to secure the rights of aged persons to public assistance, and make provisions for their well-being.

The Life Insurance Corporation of India (LIC) introduced two schemes for the elderly in order to give financial security after the age 60 or above years. Two life insurances, **Jeevan Akshay** and **Jeevan Dhara**, were enacted to provide financial security for elderly in 1950s. After 1980s, some other schemes were introduced by the governments of India for the welfare of older persons. The new schemes of Jeevan Shree Plan, Jeevan Suraksha Plan and Jeevan Sandhya were among others legislations passed in the first decades after Independence, including special Tax benefit for elderly under the Income Tax Act of 1961 and the payment of Gratuity Act of 1972 and additional retirement benefits for industrial workers, pensions for freedom fighter who had fought for Independence and that for the retired serviceman were also enacted.

(v) Annapurna Scheme (1999)

A food security scheme for elderly called **Annapurna** was introduced in 1999 and made an allocation of Rs. 100 crore for the first year of its implementations. Under this scheme, 10 K.G. of food grains are provided to the beneficiary every month at no cost. It was implemented by the Ministry of Rural Development with the assistance of the Ministry of food and civil supplies.

(vi) Maintenance and Welfare of Parents and Senior Citizens Act: (MWPSA, 2007)

The Maintenance and welfare of parents and senior citizens Act, 2007 was enacted in December 2007 to ensure need based maintenance for parents and senior citizens of country. The Act deals with "Maintenance of Parents and Senior Citizens", establishment of Old Age Homes", "Provisions for medical care of Senior Citizens", and "Protection of Life and Property of Senior Citizens". This Act is notified in 22 states only of the country.

The Ministry of Social Justice and Empowerment (MSJE) is the nodal department of the Government of India for the issues relating to older persons. Each ministry is required to prepare five-year plans and annual action plans about their implementation of aspects of the NPOP that fall into their jurisdiction. The Panchayat Raj Institutions (Village Council) will encourage participations of NPOP implementations by addressing local level issues and needs of developing program for elderly population.



There are approximately 728 old age homes in India. Of these, 325 are free of charge, 95 are on a pay-and-stay basis, and 116 have both free as well as pay-and-stay facilities. There are 278 old age homes available for the sick and 101 homes exclusively for women. In India, there is a policy focus on public awareness regarding the situation of elderly people. So far, the creation of such awareness has not matched that regarding AIDS or empowerment for women, but it is increasing.

CONCLUSIONS

Awareness of Human Rights of Older Persons in the society, particularly among older persons and protection of their human rights has become an uphill task.. To decrease the incidences of age-discrimination, age-discriminatory policies like retirement policies in both government and public sector, various reservation policies need to be amended. Today, we need an inclusive social security program for older persons at grass root level while utilizing tools like value based education, awareness generation, research & advocacy in order to protect Human Rights of Older Persons. We all want to live a long life but we almost not plan for our Old Age. Be it an individual, a family, society in general or the government, each one of us needs to be sensitive towards needs and rights of old people.

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