
A STUDY OF POLICIES REGARDING SENIOR CITIZENS' RIGHTS

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ABSTRACT

With 10.1% of the country's population being seniors¹, it is important to address the needs and challenges of senior citizens, which are currently missing from our society. As we age, there is a physical and mental weakening; sometimes, the body does not cooperate. The sentences mentioned earlier are how we picture senior citizens. Still, they are the most active citizens of the country, and we need to uplift them by initiating as many activities as possible to keep them occupied and bring out different healthcare programs, not just facilitating them but also creating awareness of those facilities.

As per the recent year's census, the crime rate against senior citizens has increased, and with this increased rate of crime, we need to make them aware of the legal provisions provided to them by the Government, such as The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the National Action Plan for the Welfare of Senior Citizens are among the policies and legal provisions available to senior citizens. It's crucial to highlight the resources available for senior citizens as they are the most vulnerable members of our society. This article is a call to action to raise awareness about these resources and ensure our seniors receive the support they need.

¹ According to the NSO 2021 census

INTRODUCTION

William Shakespeare speaks about the seven stages in his poem “The Seven Ages,” where he describes the last stage, the seventh stage, as the “*Last scene of all, that ends this strange eventful history, In second childishness and mere oblivion, sans teeth, sans eye, sans taste, sans everything.*”² This is how senior citizens are pictured by society: yes, old age weakens the body and mind, but that does not mean that they are not entitled to live and enjoy the rights availed to them by the government. India is home to 1/10th of the world's aging population, making them the most vulnerable in society. Their growth rate will gradually increase in the upcoming years.

Once a person's body fails, managing household tasks becomes more arduous, and they may lose their independence. The ideology of the seniors is that they need to do everything for their kids and ensure they have a bright and promising future. When examining their savings, it becomes apparent that there is not enough money to sustain their household for an extended period. This not only includes monthly household necessities but also health-related expenses such as medicines. Due to their older age, they may need more savings to cover these expenses. As a result, their standard of living may be lower, and they may need help to balance their spending and savings. Therefore, securing funds for seniors is essential to ensure their financial security.

This led to the government introducing the “Senior Citizens’ Welfare Fund (SCWF)” which was established under the Finance Act of, 2015, mainly to be utilized for such schemes or promotion of the welfare of senior citizens, as per the proviso of the National Policy on older persons. Along with it, there was a need for creating policies and provisions on these bases to protect them from any kind of issues that might raise such: - as socio-economic, financial, health and shelter, etc.³

An effective way to ensure compliance is by implementing a robust governing policy. Without a governing policy in place, it is difficult to monitor and ensure adherence to protocols, leading

² 121 Classic Poems; An Anthology of Poetry (Refer pg.82 last four lines)

³ Press Information Bureau; Government of India Ministry of Social Justice & Empowerment

to potential legal and financial complications. Therefore, having a well-crafted governing policy is crucial to ensure smooth compliance with policies and provisions.

When it comes to the point of setup of the administration, The Ministry of Social Justice and Empowerment is the nodal Ministry for the welfare of senior citizens. The programs for senior citizens aim at their welfare and maintenance, especially for indigent senior citizens, by supporting nursing homes, mobile Medicare units, etc.⁴ This Ministry looks after the smooth functioning for the welfare of the senior section of society.

The National Policy on Older Persons (NPOP), 1999; was announced in January 1999. Pursuing the UN General Assembly resolution 47/5 was a step in the right direction to observe 1999 as the International Year of Older Persons and keeping with the assurances to older persons contained in the constitution (which will be dealt with further).⁵

Subsequent international efforts impacted the implementation of the National Policy on older persons. The UNGA adopted the Madrid Plan of Action and the United Nations Principles for Senior Citizens 2002. In 1992, the General Assembly adopted the Proclamation on Ageing and the Global Targets on Ageing for 2001. Additionally, the Shanghai Plan of Action 2002 and the Macau Outcome Document 2007 were adopted by the UNESCAP and serve as the basis for the global policy guidelines. These guidelines encourage governments to design and implement their policies occasionally. The Government of India is a signatory to all these documents, demonstrating its commitment to addressing the concerns of older adults. The initiation regards creating the policies and the plans for it, which were set up by the Central Government and the state governments, respectively, for the welfare of the senior citizens.⁶

In India, the welfare of seniors has been introduced and is monitored through various policies and legal provisions that protect and prioritize the interests of senior citizens. In the following paper, we will delve deeper into these policies and constitutional provisions aimed at safeguarding our seniors' well-being.

⁴ Elderly in India 2021; NSO India Data for Development (Refer to Chapter 2 Para 1)

⁵ National Policy for Senior Citizens 2001 (pg.1. para.1)

⁶ National Policy for Senior Citizens 2001 (pg.1. para.2)

POLICIES INTRODUCED BY THE GOVERNMENT

The addition of the elderly population during 2001-2011 was more than 27 million. The projected population for the upcoming years is required to prepare for the perspective plan in various socio-economic sectors.⁷ These tables show the statistics and the rate or the percentage of senior citizens, including males and females. There will be a drastic increase in the percentage of senior citizens by 2031, so there must be proper planning and execution of policies for the maintenance and welfare of older adults.⁸

The schemes and policies are as follows:

- **Atal Vayo Abhyudaya Yojana (AVYAY):** This plan addresses the top four needs of senior citizens, which include financial security, access to food, healthcare, and the ability to maintain a life of dignity through human interaction. It also encompasses safety and protection measures and general well-being initiatives for older adults. The plan begins by raising awareness and sensitizing society to the needs of seniors.
- **Scheme of Integrated Programme for Senior Citizens (IPSrC):** Focuses on improving the quality of life of indigent senior citizens by providing basic amenities such as shelter, food, medical care, and entertainment opportunities while encouraging productive and active aging.
- **State Action Plan for Senior Citizens (SAPSrC):** The Indian Government recognizes the importance of involving all state governments in collaborating and executing the Action Plan aimed at the betterment of senior citizens. Each state and union territory are expected to develop its strategic plan, considering local factors, to promote the welfare of its elderly citizens.
- **Rastriya Vayoshri Yojana' (RVY):** A scheme for providing physical Aids and Assisted living devices to Senior Citizens such as walking sticks, elbow crutches,

⁷ Elderly in India 2021; NSO India Data for Development (Refer to table 3.1 pg.16)

⁸ Elderly in India 2021; NSO India Data for Development (Refer to Chapter 3 Para 1)

walkers/ crutches, tripods/quadpods,' hearing aids, wheelchairs, artificial dentures, spectacles are provided for free of cost.

- **Livelihood and Skilling Initiatives for Senior Citizens** - Senior Able Citizens for Re-Employment in Dignity (SACRED); Action Groups Aimed at Social Reconstruction (AGRASR Groups): Elderly Self-Help groups.
- **Scheme for Awareness Generation and Capacity Building for the welfare of Senior Citizens** – Training, Awareness, Sensitization, and Setting up of a National Helpline for Senior Citizens.
- **Promoting Silver Economy** – This is also a new scheme launched to encourage entrepreneurs to think about the problems of the elderly and come up with innovative solutions. The Government aims to achieve the objective by providing up to Rs. 1 crore as financial assistance through equity participation, through an open invitation on a portal namely Senior care Ageing Growth Engine (SAGE).
- **Scheme for Awareness Generation and Capacity Building for the welfare of Senior Citizens**- Components like the National Helpline for Senior Citizens, Research, awareness, sensitization, etc. for the welfare of senior citizens, spreading awareness and sensitizing the youth and other sections of the society towards the issues related to the elderly. The National Helpline – Elder line with toll-free number 14567 has been dedicated to the country by the Vice President of India on International Day on Older Persons (IDOP), 2021 i.e., on 01/10/2021.

Schemes, Programmes, Concessions, and Benefits provided by other Ministries/ Department in Care of Senior Citizens

1. Ministry of Rural Development:

- **National Social Assistance Programme (NSAP):** Under National Social Assistance Program (NSAP) scheme, the elderly, widows, and disabled persons belonging Below Poverty Line (BPL) and fulfilling eligibility

criteria prescribed in the NSAP guidelines, are provided financial assistance ranging from Rs.200/- to Rs.500/- p.m. and in the case of death of the breadwinner, lumpsum assistance of Rs.20,000/- is given to the bereaved family. The schemes under NSAP for the elderly and divyangs are detailed below:

- I. **Indira Gandhi National Old Age Pension Scheme (IGNOAPS):** A monthly pension of Rs.200/- is given to the elderly aged 60-79 years belonging to the BPL category. The pension increases to Rs.500/-per month upon attaining the age of 80 years. The total beneficiaries under the scheme are 221 lakhs.
- II. **Indira Gandhi National Disability Pension Scheme (IGNDPS):** A monthly pension of Rs.300/- is given to BPL persons aged 18-79 years with severe and multiple disabilities (80% disability level). The pension increases to Rs.500/- per month upon attaining the age of 80 years. The total beneficiaries under the scheme are 10.58 lakh.

2. Ministry of Health and Family Welfare:

“National Programme for the Health Care of Elderly” (NPHCE) launched during 2010-11 is State oriented program with the basic thrust to provide comprehensive and dedicated healthcare facilities to elderly persons above 60 years of age at various levels of primary, secondary, and tertiary health care.⁹

The Government has implemented policies for the betterment of senior citizens that apply to both urban and rural sectors of society. These policies also include provisions for women, including widows and disabled seniors.

⁹ PIB Delhi.16 Mar 2022

THE LEGAL AND THE CONSTITUTIONAL PROVISIONS

Constitutional Provision: - under the Constitution of India the author of this paper has divided it into two parts.

The first is the Directive Principles of the State Policy (DPSP): - Which aims to create social and economic conditions under which the citizens can lead a good life where they aim in establishing social and economic democracy through a welfare state. Part 4 – Article 41 of Directive Principles of the State Policy says 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 public assistance in case of undeserved want.”¹⁰

Referring to Article 21 which interprets living a dignified life,¹¹ entry 24 in list III of schedule VII deals with “the welfare of labor including conditions of work, provident funds, liability for workmen’s compensation, invalidity and old age pension and maternity benefits.”¹² Further, item number 9 of the state list,¹³ and item number 20, 23, and 24 of the concurrent lists¹⁴, relating to the old age pension, social security and social insurance, and economic and social planning. The meaning of the abstract is that the above-mentioned provisions under the constitution of India specify that elderly people have the right to live a dignified life and to fulfill that fundamental right the state which is the government will help in accomplishing the above said as they are duty bound to do so.

The Legal Provisions are as follows: -

Maintenance and Welfare of Parents and Senior Citizens Act, 2007: -

The Act was introduced in December 2007 to ensure need-based maintenance for parents and senior citizens and their welfare.

¹⁰ Indian.const.art.41

¹¹ Indian.const.art.21

¹² Indian. const. sech. VII. Lis. II. Entry.24

¹³ Indian. const. sech. VII. Lis. II. Entry.9

¹⁴ Indian. const. sech. VII. Lis. II. Entry.20,23, &24

- I. Maintenance of parents/senior citizens by children/relatives made obligatorily and justiciable through tribunals;
- II. Revocation of transfer of property by senior citizens in case of neglect by relatives;
- III. Penal provision for abandonment of senior citizens;
- IV. Establishment of old age homes for indigent senior citizens; and
- V. Adequate medical facilities and security for senior citizens¹⁵

This Act was later amended in the year 2019 wherein the removal of the ceiling of INR.10,000/- as the maximum maintenance amount to be awarded to them and the quantum of the maintenance may be decided based on earnings and the standard of living senior citizens and children).

Personal laws govern the rights of senior citizens under their provision differently such as: -

The Hindu Law: - section 20 sub-clause 3 of the Hindu Adoption and Maintenance Act, 1956 states that there is an obligation to maintain parents was a son right which was followed for a very long time but recently after an amendment done by the Supreme Court the obligation under this act was now not just confined to the son but also the daughter, under few circumstances, whereas the Father is unmarried, etc.

The Muslim Law: - Children are bound by duty to maintain their parents according to Mulla. According to Muslim Law, both sons and daughters are entitled to look after their parents. The obligation to do so is dependent on whether they have the means to do so.

The Code of Criminal Procedure (CrPC): - Section 125 (1)(d) states that if any person having sufficient means neglects or refuses, to maintain his father or mother, unable to maintain himself or herself, a magistrate of the first class may, upon proof of such negligence or refusal order such

¹⁵ Elderly in India 2021; NSO India Data for Development (Refer to pg.5 para2.4)

person to make a monthly allowance for the maintenance of his/ her father or mother, at a monthly rate as per the mentioning of the magistrate.

Both Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the laws based on religion and customs differ significantly due to the different requirements laid out by each one; However, both these acts fall under Cr.p.c. s.125(1)(d), which makes it mandatory that adults who have sufficient means, must maintain their dependent family members including their dependent family members including elderly parents regardless of religious beliefs or gender biases.

CONCLUSION

When a Small field survey was conducted just amongst a few seniors living nearby, the intention behind conducting this was to understand and know whether they were aware of the policies and the legal provisions available to them. The outcome of my research is that being a retired government employee and having a good touch with the current technology was an advantage of being aware of the provisions. Still, the ones who have no connection with technology have no clue about the policies that are there for the welfare of the seniors. Half of the population is unaware of how to use technology, so online scammers take advantage. In contrast, senior citizens are more vulnerable to online crimes that are happening these days.

A question was asked about the "Jan Aushadhi Sugam" initiative by the Government. The respondents believed it to be the best initiative the Government has taken. They stated that the costly medicines available in other medical stores are sold much cheaper in these Kendra's.

Another question was asked whether the respondents would be interested in participating in any activities conducted by an organization. The common reply was "Yes". They believe that activities should keep them occupied, especially at their age when they tend to lose touch with everything. Furthermore, they suggested that awareness programs be conducted to spread information about all the provisions and policies that could benefit them.

During the survey, it was highlighted that a lack of knowledge about policies among those in dire need could result in others who are well-off taking advantage, leaving nothing for those in need.

Respondent seniors emphasized that there should be strict punishments for children who abandon their parents as a deterrent. Alternatively, they should be educated on the importance of senior citizens in their lives and the upbringing of their children. There should be severe enforcement of the law for those who violate it.

The rate of harassment against seniors has increased significantly in recent times. Older adults have brought us up, taught us our first few steps, cleaned up our mess, taught us our first few words, and much more. During the times when they tend to become kids, we lash out our anger at them. However, they patiently answered all our questions when we were kids. At their age, they need support and help.

The youth need to start creating awareness among the senior community on the provisions and legal aid they can avail themselves. We need to become a helping hand to make the process more accessible for them. We have the resources to get the correct information, but interpretation of it must be done in the right way. All the policies will be beneficial for us in the future for our good.

Let's take a moment to appreciate our beloved senior citizens as we come together. They have spent a lifetime building our communities and shaping our world. So, let's honor them by celebrating their special days with activities tailored to their needs, and let's make sure they feel valued every day. We should take the time to actively listen to them and ensure that they live out their golden years with the dignity and respect they deserve.

References: -

Statistics

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NSO 2021

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Statutes/ Laws

The Constitution of India

Hindu Adoption and Maintenance Act, 1956

Muslim Law, 1937

The Code of Criminal procedure, 1973

Maintenance and Welfare of Parents and Senior Citizens Act, 2007