
THE ROLE OF THE NATIONAL HUMAN RIGHTS COMMISSION IN THE PROTECTION OF ELDERLY RIGHTS IN INDIA

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ABSTRACT

As India grows older, protecting the dignity and rights of its senior citizens has become more urgent than ever. The National Human Rights Commission (NHRC), set up in 1993, has played a key role in shifting the way the country views ageing- from a welfare issue to a matter of human rights. Through its Core Group on Elderly Welfare, the NHRC works with the government, NGOs, and experts to improve policies, ensure access to healthcare and pensions, and promote respect for elders in families and communities.

It has taken action through advisories during the COVID-19 crisis, interventions in cases of neglect, and national conferences that push for active ageing, digital inclusion, and better community care. Yet, the Commission still faces hurdles like limited powers, weak enforcement, and lack of awareness.

This paper highlights the NHRC's evolving role in safeguarding elderly rights, its collaborative initiatives, and the pressing need for stronger enforcement mechanisms and public awareness. The NHRC's work reminds us that ageing with dignity isn't just about policy but about empathy and shared responsibility. Building a society that values its elders is one of the truest tests of our humanity.

Keywords: Elderly, Human rights, NHRC, senior citizen

As India steadily transitions into an ageing society, questions around the protection and dignity of older persons are becoming more pressing than ever. India stands at a demographic crossroads with over 104 million people aged 60 and above according to the 2011 Census and this number is expected to triple by 2050¹. Behind this statistic lies a deeper challenge: how can the country ensure that its elderly citizens live not only longer lives, but better ones?

The National Human Rights Commission (NHRC) constituted in 1993 under the Protection of Human Rights Act, 1993², has been at the forefront of this mission. As India's apex human rights body, the NHRC has continuously pushed for a rights-based approach to ageing, emphasizing that senior citizens deserve dignity, inclusion, and protection, not as a matter of charity, but of justice.

I. NHRC and Core Group

The NHRC was established under the **Protection of Human Rights Act, 1993** to protect and promote the rights guaranteed under the Constitution and international covenants. Recognizing the growing vulnerabilities of older persons, the Commission set up a Core Group on the Protection and Welfare of Elderly Persons.

This core group brings together representatives from government agencies, NGOs, research institutions, hospitals, and academic experts to deliberate on issues concerning the elderly. Its mandate includes reviewing laws and policies from a human rights perspective, identifying gaps in implementation, and suggesting concrete measures to improve the condition of senior citizens across India. The group also studies global best practices to adapt them to the Indian context.³

The NHRC doesn't work in isolation. It collaborates closely with organizations like HelpAge India, Agewell Foundation, and Sankala Foundation. These groups provide vital data, conduct surveys, and organize awareness programs at the grassroots level. For instance, HelpAge India's 2022 report on Elder Abuse in India revealed that one in every five elderly people faces some form of abuse, most often by their own family members⁴. The NHRC used such findings

¹ AGEING AND HEALTH INDIA, <https://www.who.int/india/health-topics/ageing> (last visited Nov. 8, 2025).

² NATIONAL HUMAN RIGHTS COMMISSION OF INDIA, https://lawbhoomi.com/national-human-rights-commission-of-india/#Objectives_of_NHRC (last visited Nov. 8, 2025).

³ CORE GROUP ON PROTECTION AND WELFARE OF ELDERLY PERSONS, <https://nhrc.nic.in/media/press-release/core-group-on-protection-welfare-elderly-persons-br> (last visited Nov. 8, 2025).

⁴ PREVALENCE OF ELDER ABUSE: HELPAGE INDIA REPORT, <https://www.freepressjournal.in/mumbai/prevalence-of-elder-abuse-helpage-india-report-highlights-concerning-figures> (last visited Nov. 8, 2025).

to strengthen its advisories and push for stricter enforcement of protection laws.

II. Constitutional and Legal Foundations

The Indian Constitution lays a moral and legal foundation for elderly rights.

- Article 21⁵ guarantees the right to life with dignity.
- Article 41⁶ directs the State to provide public assistance in cases of old age.
- Article 46⁷ ensures the protection of weaker sections of society.
- Entry 24 in the List III of Schedule VII to the Constitution of India (Concurrent List) deals with old age pension.⁸

Building on these constitutional ideals, laws such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the National Policy on Older Persons, 1999, and the National Policy for Senior Citizens, 2011 aim to secure welfare and protection for senior citizens. The NHRC monitors how these provisions are enforced and regularly recommends improvements to strengthen the existing legal framework.

III. NHRC Advisories and Suo Motu Actions

Beyond policy discussions, the NHRC actively intervenes when elderly rights are violated. It has issued several advisories, acted upon complaints, and taken Suo motu cognizance of incidents involving the abuse or neglect of older persons.

- In 2020, during the COVID-19 pandemic, the NHRC released an Advisory on 'Rights of Elderly Persons in context of the COVID- 19', addressing issues like access to healthcare, vaccination, and mental health support for the elderly who faced isolation and abandonment.⁹
- In 2024, the Advisory on Rights of Widows urged state governments to provide pensions, housing, and healthcare support to elderly widows, a group often marginalized both socially and economically.¹⁰

These interventions highlight the NHRC's commitment to making elderly protection a real,

⁵ INDIA CONST. art. 21.

⁶ INDIA CONST. art. 41.

⁷ INDIA CONST. art. 46.

⁸ RIGHTS OF THE ELDERLY IN INDIA – Rights of Minorities and other Marginalised Groups, <https://ebooks.inflibnet.ac.in/hrdp06/chapter/rights-of-the-elderly-in-india/> (last visited Nov. 8, 2025).

⁹ NATIONAL HUMAN RIGHTS COMMISSION, "ANNUAL REPORT 2020-2021" (DECEMBER, 2021).

¹⁰ NATIONAL HUMAN RIGHTS COMMISSION, "ADVISORY ON PROTECTION OF HUMAN RIGHTS OF THE WIDOWS" (JUNE, 2024).

actionable priority rather than a symbolic one.

IV. NHRC's National Conference on Elderly Rights

One of the NHRC's most impactful initiatives is its national conferences on elderly welfare. The 2025 National Conference on **"Ageing in India: Emerging Realities, Evolving Responses"**, held with NITI Aayog and key ministries, was a landmark event. NHRC Chairperson Justice V. Ramasubramanian stressed blending India's traditional respect for elders, drawn from texts like the Yajur Veda and Sangam literature, with modern human rights values. Secretary-General Bharat Lal highlighted the need for sustainable, community-based care as India's elderly population is set to reach 35 crores by 2050. The conference also released the report **"Ageing in India: Challenges and Opportunities"**, outlining inclusive, dignity-centered care models.¹¹

Key Outcomes and Recommendations:

The 2025 conference resulted in several actionable recommendations that reflect the NHRC's holistic vision for ageing:

1. **Active and Productive Ageing:** Encouraging older persons to remain engaged through mentoring, skill-sharing, and part-time work.
2. **Community-Based Support Systems:** Promoting family and neighborhood-level care networks to prevent isolation.
3. **Healthcare and Nutrition:** Expanding geriatric services, mental health programs, and nutrition initiatives.
4. **Financial and Digital Inclusion:** Ensuring easy access to pensions, promoting digital literacy, and exploring long-term care insurance.
5. **Technology and Innovation:** Encouraging the use of telemedicine, assistive devices, and online services to connect and empower the elderly.
6. **State-Level Innovation:** Creating healthy competition among states by recognizing successful models like Kerala's community palliative care.
7. **Awareness and Sensitization:** Combating ageism through public education campaigns and inter-generational programs.

¹¹ NHRC, PRESS RELEASE, [HTTPS://WWW.PIB.GOV.IN/PRESSRELEASEPAGE.ASPX?PRID=2151703](https://www.pib.gov.in/pressreleasepage.aspx?PRID=2151703) (LAST VISITED NOV. 8, 2025).

Together, these recommendations illustrate how the NHRC goes beyond legal frameworks — it aims to reshape social attitudes and promote a culture of respect.¹²

V. Challenges and Way Forward¹³

Despite its vital role in protecting human rights, the National Human Rights Commission (NHRC) faces several structural and operational challenges that limit its effectiveness.

1. **Non-Binding Powers:** The NHRC's recommendations are not legally enforceable, which often results in poor compliance by authorities. Former Chairperson Justice H.L. Dattu famously called it a “toothless tiger,” reflecting its limited power to ensure accountability.
2. **Jurisdictional Restrictions:** Its jurisdiction extends only to violations by public authorities and excludes most private entities. It also has restricted authority over cases involving the armed forces, creating significant gaps in redressal.
3. **Weak Enforcement and Oversight:** The Commission lacks the power to impose penalties or compel implementation of its directions. Many of its reports and advisories remain unacted upon by state and central agencies.
4. **Resource and Infrastructure Constraints:** Inadequate funding, limited staff, and a heavy workload reduce its capacity to handle the rising number of complaints effectively. This leads to delays and affects the quality of investigations.
5. **Awareness and Accessibility Issues:** Many citizens, especially from marginalized and rural communities, are unaware of the NHRC's role or how to approach it. Complex complaint procedures further discourage participation.
6. **Broader Socio-Economic Challenges:** For specific vulnerable groups like the elderly, challenges persist in implementing welfare schemes. Weak enforcement of laws like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, poor access to healthcare, and inadequate pensions continue to undermine their rights.

To strengthen its role, the NHRC must be granted greater enforcement powers, better funding, and autonomy. It could also introduce annual elderly rights reviews, integrate eldercare into local governance, and promote “silver economy” initiatives recognizing seniors as contributors and not dependents.

¹² NHRC CONCLUDES NATIONAL CONFERENCE ADVOCATING FOR THE RIGHTS OF OLDER PERSONS, <https://hindustantaza.com/news/nhrc-concludes-national-conference-advocating-for-the-rights-of-older-persons/> (last visited Nov. 8, 2025).

¹³ NHRC AND ASSOCIATED CHALLENGES, <https://www.drishtiias.com/daily-updates/daily-news-analysis/nhrc-and-associated-challenges> (last visited Nov. 8, 2025).

VI. Conclusion

The NHRC's continued efforts for elderly rights show a powerful vision- one where ageing is valued, not pitied. Through its core group, advisories, and collaborations, the Commission has helped India see ageing through a more humane and rights-based lens. As the country moves toward becoming one of the world's largest ageing populations, the NHRC reminds us that dignity in old age is a true test of our society's values. Protecting senior citizens isn't just about policy; it's about empathy, awareness, and shared responsibility. By blending India's deep-rooted respect for elders with modern human rights ideals, we can build a future where every age truly lives with dignity.

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