Rights of Elderly People

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Abstract:

We know that the world's population is Living longer and growing older every day. It is important that we address the issue of Demographic transition ,as we see a lot of people in there 70s and 80s. By 2030 1 in 6 people in the world will be aged 60 years or above. By 2050, the world's population of people aged 60 years and older will double. The number of persons aged 80 years or older is expected to triple between 2020 and 2050 to reach 426,000,000. It is expected that by 2050, two-thirds of the world population over 60 years will live in low- and middle-income countries.

This paper delves into the issues of elderly people and the programs and policies of the Government of India for elderly people with special emphasis on the International and National framework for the Rights of Elderly people.

KEYWORDS: Senior citizen, silver lining, Human Rights, senior citizens programmes, old people, Bonded Labor, laws related to elderly people.

Objective:
1. To discuss the Definition of Elderly People.
2. To address the concerns of the elderly people.
3. To discuss the Laws related to elderly people at International and National level.
4. To discuss the Schemes and Programs of Government of India for elderly people.

INTRODUCTION:

The phenomena of population aging is becoming a major concern for the governments and policymakers at international and National level. The changing demographic profile has seen many challenges in social, economic and political domains. Today, most of the people can expect to live into their 60s and 70s. Every country in the world is experiencing growth in size and proportion of elder people in the population. Nuclear family and Live in relationships have changed the social structure of the country. Urbanization and modernization has posed a serious security issue amongst the elderly population of the country who are forced to stay alone with house help or without house help and suffer from diseases related to old age and live a life in fear and isolation. Late marriages, single child and generation gap has widened the issues related to Social Security and integration of elderly population in the community.

DEFINITION OF ELDERLY PEOPLE:

An elderly person is defined by the United Nations as a person who is over 60 years of age. As per the definition given in Maintenance and Welfare of Parents and Senior Citizens Act, 2007, senior citizens mean any person being a citizen of India who has attained the age of 60 years or above.

As per the WHO most developed countries have accepted the chronological age of 65 years and above as definition of elderly or older persons. Definition of elderly persons. People between 65 and 74 years of age have been defined as "early elderly", and those over 75 years of old are defined as "late elderly".

As per the biological level, aging results from the impact of the accumulation of a wide variety of molecular and cellular damage over the years. This leads to a gradual decrease in physical and mental capacity which poses risk of diseases and ultimately results in death. We cannot say that these changes are linear or consistent and they are also not associated with the person's age in years. Beyond Biological changes, Aging is also associated with other life transition such as retirement, relocation to bigger house, and the death of friends and partners.

Concerns of the elderly people:

- The Indian society is changing rapidly. The shift is not only from joint family to nuclear families, but from nuclear families to live in societies.
- Urbanization, Industrialization, Technological changes, Globalization have impacted the lives of the Elderly population in India.
- Issues related to intergeneration and Intra generation are being witnessed in all the societies.
- The traditional value system and Institutions are also getting new meaning and being redefined.
- Elderly people are suffering from loneliness, Isolation and Powerlessness.
- The generation gap has also increased over the years.
- With late marriages and job pressures, lot of families do not have children, or they plan and start family at a very late stage. This leads to a lot of social, emotional, financial and Psychological Issues.
- Lot of elders get dependent on their children for their basic necessities.
- Retirement and dependence on the children are seen in the families.
- Old age-related Health issues have also increased. So. a lot of money is spent on treatments and follow ups to maintain health.
- Migration of young popular from villages to cities and Outside country has also resulted in adult neglect.
- Insufficient housing facility and medical facility also results in exploitation of elderly people.
- Indian economy is agriculture based so people do not have means for sustenance in the old age.
- Elderly people suffer from the issues of gradual low vision, blindness, locomotive disabilities and deafness.
- Elderly people are many a times forced to live in poverty and distress.
- Elderly people also suffer from Neurosis and senility.
- Elderly people do not have financial freedoms so cannot take decisions.
- Older people are not able to access medical facilities.
- Older people are not safe when stay alone.
- Older people Are not able to use technology for their day-to-day work.
- Older people are vulnerable to cyber-crimes and Mobile related crimes.
- Many a times older people are forced to move at different locations due to the change in job of their children. Sometimes there is a language, culture and society barrier, so they become totally dependent on their children and when the children neglect, they do not have any other option than to sit at home.

- Many times, old people are bullied and neglected as the society feels that they are a burden and not an asset.
- Sometimes the physical disability, medical neglect, mal-nutrition, neglect and emotional neglect results in mental disability.
- Dementia, Partial blindness, Nerve disorder, Alzheimer, motion sickness, hard hearing , weakness and other age-related Diseases make Elderly people very vulnerable.
- Elderly People also have a lot of trust issues related to finances and social life.
- Across the globe Physical and financial well-being of elderly widowed woman is a primary concern.
- Absence of good hospitals at the primary village level, good doctors with Lab and Test machines is a major concern amongst the rural population.

Constitution of India and elderly people rights:
Fundamental Right:
1. The 14 of the Constitution of India provides. Equality before Law and Equal Protection of Law.
2. Article 21 of the Constitution of India provides that no person shall be deprived of his life and liberty except by the procedure established by law. It also ensures dignity and worth of the individual.

Directive Principles of State Policy:
1. Article 41 of the Constitution of India provides 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.
2. Article 47 of the Constitution of India provides that the State shall regard the raising of the level of nutrition and the standard of living of persons and the improvement of public health as among its primary duties.

Fundamental Duties:
Article 51. A clause (e): Seems to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religions, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women.

International Policy and Framework on Ageing:
First World Assembly on Aging, Vienna, 1982: In this the International Action Program was launched which aimed to guarantee Economic and Social Security to older persons and opportunities to contribute to national development. The Vienna International Plan on Aging was the first international instrument on aging, providing a basis for the formulation of policies and programs on aging. This Action Plan was endorsed by the United Nations General Assembly in 1982.
Action plan promoted Regional and International cooperation and included 62 recommendations for action addressing research, data collection and analysis, training and education as well as the following sectoral areas:
- Health and nutrition.
- Protection of elderly consumers.
- Housing and environment.

- Family.
- Social welfare.
- Income security.
- Employment.
- Education.

Accordingly, the United Nations on 14 December 1990, designated 1 October as the International Day of Older Persons. To mark this day, the United Nations encourages countries to draw attention to and challenge negative stereotypes and misconceptions about older persons and aging and to enable older persons to realize their potential.

United Nations Principles for Older Persons, 1991: In 1991, the General Assembly adopted the United Nations Principles for Older Persons based on the International Plan of Action on Aging 1982. The principles provided that older persons in society ought to have independence, the ability to participate in society, access to care, full dignity of life, and entitlement to self-fulfillment, among other rights.

It encourages the government to incorporate the following principles into their national programs whenever possible:

- Independence-The older persons should have access to adequate food, water, shelter, clothing, and health care. Along with income, family and community support and self-help. The older person should be able to decide the type of work and the years of work so that they are able to lead a dignified life. The older person should be able to participate in decisions related to them. They should be able to access Education and training programs. Safe environment should be provided to the older people taking into consideration their personal preferences and changing capacities. Older person should be able to reside at their own home for as long as possible and not sent to old age homes or Segregated places where they are away from their friend's ,family and society.

- Participation-Older person should be always integrated in the society. They should be able to participate and formulate the policies related to their well-being and share their knowledge and skills with younger generations, older person should be involved in Group activities and community service as per their interest and capabilities so that they are able to contribute in the overall development of their society by sharing their experiences and learning. Older person's movements and association should also be formed so that their interests are represented on all forums of the society.

- Care-Older person should always remain in the family so that their care and protection is ensured along with cultural values to which they belong. Older person should have access to healthcare and hygiene. They should also get access to social and legal services. Older persons should be able to enjoy their human rights and fundamental freedoms as ensured in International and national documents. The Dignity and Respect should also be ensured along with Privacy rights.

- Self-fulfillment- Older persons should be able to pursue their interest as per there need and should have access to educational, cultural, spiritual and recreational resources of society.

- Dignity- Older person should be able to live a life with dignity and worth along with security and sense of belonginess. They should be free from any kind of physical or mental abuse. They should also be treated fairly regardless of their age, gender, race, ethnic background, disability or status. Older persons should not be judged based on their economic capabilities and contributions to the society.

Second World Assembly on Aging, Madrid, 2002.: Aim of this assembly was to advance the global aging agenda beyond the 1982 Plan of Action and address the global force of population aging and its impact on development. This gave a set of 117 concrete recommendations covering 3 main priority directions:

a. Older person and development.
b. Advancing health and well-being into old age and.
c. Ensuring enabling and supportive environments.

This promoted a new recognition that aging was not simply an issue of Social Security and welfare, but of overall development and economic policy, and emphasized on having a positive approach towards aging and remove all the stereotypes and negativity related to aging.

United Nations Decade of Healthy Aging, 2020 to 2030: This is a global collaboration aligned with the last 10 years of the Sustainable Development Goals that bring together government, civil society, international agencies, professionals, academia, media and private sector to improve the Lives of older people, their families, and the communities in which they live. This also stressed on whole of society approach to address the issues of Elderly people.

This Decade addresses 4 areas of action:

• Creating age friendly environments.
• Combating ageism.
• Providing integrated care.
• Building long term care systems.

In this, an online knowledge exchange platform has been established to connect and convene the stakeholders who promote the four action areas at country level and those seeking information, guidance and capacity building. They listen to diverse voices and Engage older people, Family members, Caregivers, Young people and communities together. They also connect various stakeholders around the world to share their experiences and learn from each other. They are also strengthening data, research and innovation to accelerate the implementation of the programs and policies related to elderly people. They also nurture leadership and building capacities to take appropriate action integrated across sectors.

National policies and Programmes related to Elderly People:
National Policy on Older Persons (NPOP): This was adopted in the year 1999 by the Government of India to reaffirm the commitment to ensure the well-being of the older persons. In ensures financial and food security, healthcare, shelter and other needs of older persons. This also protects them from any kind of abuse and exploitation and provide services to improve the quality of the lives of older people.

National Policy for Senior Citizens (NPSC) 2011:
This addresses the issue of senior citizens living in urban and rural area. It also focuses especially on "oldest of the old" and older women in particular. It lays importance on increasing employment opportunities, implementation of Maintenance and Welfare of Parents and Senior Citizens Act 2007 and living facilities for abandoned senior citizens.

The Atal Pension Yojana (APY):
This was launched on 9th May 2015 to address the longevity risks among the workers in unorganized sector who are not covered under any statutory Social Security scheme. It focuses on all citizens in the unorganised sector who joined the National Pension Scheme administered by the Pension Fund Regulatory and Development Authority (PFRDA). In this, the government contributes 50% of the subscriber's contribution or rupees 1000 per annum, whichever is lower to each eligible subscriber account for a period of five years.

The central sector scheme to improve the quality of life of the senior citizens:
It provides senior citizens homes for 50 elderly women. Along with food, care and shelter for 25 destitute senior citizens.

It also provides. Nursing care to seriously ill 20 senior citizens. They also take the cases of Alzheimer and dementia patients.

It also provides for mobile medical care units to senior citizens who are living in rural or isolated areas.

It also provides for Physiotherapy clinics for 20 senior citizens.

It also provides regional resource and training centers who collaborate and ensure effective implementation of the policies and programs of the Ministry. They also advocate and provide networking, training and capacity building for effective delivery of services.

The scheme of national awards for senior citizens Vayoshreshtha Samman;

This is the scheme of Ministry of Social Justice and Empowerment which is conferred to senior citizen every year on the occasion of International Day of Older Persons. The first award was presented in the year 2013. National Award for Senior Citizens is conferred upon eminent and outstanding institutions or organizations and individuals from different categories.

National Council of Senior Citizens.: National Council for Older Persons was constituted in 1999 under the chairmanship of the Minister for Social Justice and Empowermen to see the implementation of NPOP. The Council was renamed as National Council of Senior Citizens in the year 2012. The Council advises the Central and State governments on the issues related to the welfare of senior citizens and enhancement of their quality of life.

Rashtriya Vayoshri Yojana: This scheme was announced by Minister of Finance, GOI. Under this scheme Assistive living devices are provided free of cost to senior citizens belonging to below poverty line category who suffer from age-related disabilities such as low vision, hearing impairment, loss of teeth, locomotor disabilities. The devices include walking sticks, elbow crutches, walkers, tripods, quad pods, hearing aids, wheelchairs, artificial dentures, and specs.

Senior Citizen Welfare Fund: This scheme was established in March 2016. This fund is utilized for senior citizens welfare schemes in line with the National Policy on Older Persons including schemes for promoting financial security of senior citizens, healthcare and nutrition for senior citizens, welfare of elderly widows, schemes returning to old age homes, daycare centres etc.

Indira Gandhi National Age Pension Scheme: This is a non contributory pension scheme which means that under the scheme a person will receive monthly pension without having to contribute any amount himself or herself. This provides central assistance of Rupees 350 per month to persons between 60 to 79 years of age and 650 per month to persons of 80 years of age and above from BPL households.

National Program for the Health Care for the Elderly (NPHCE): This scheme was launched by Ministry of Health and Family Welfare in 2010 to provide dedicated health care facility to elderly people through government Health care delivery systems at regional, district and Primary Health centres including outreach services.

Rashtriya Swasthya Bima Yojana Senior citizen health insurance scheme: This scheme was launched by Ministry of Labor and Employment, Government of India in 2008 to provide health insurance coverage for BPL families. In this scheme, the beneficiary family pays rupees 30 per annum per family as registration/ renewal fee. It covers all pre-existing diseases, and maximum premium payable is rupees 750 per family. In this scheme only secondary care hospitalization procedures are provided. Both public and private hospitals are impaneled under this scheme. Under this scheme, the beneficiary gets smart card for the purpose of identification.

Tax Benefits are provided under the Income Tax Act, 1961 to the senior citizens.

Pradhan Mantri Shram, Yogi Maandhan: This is a mega pension scheme of government. This scheme is meant for old age protection and Social Security of unorganized workers who are mostly engaged as rickshaw pullers, Street vendors, mid-day meal workers, head loaders, brick clean workers, Cobblers, rag pickers, domestic workers, washermen, home based workers, own account workers, agriculture workers, construction workers, beedi workers, handloom workers, leather workers, Audio visual workers etc. It is a voluntary and contribution pension scheme under which the subscriber would receive a minimum assured pension of rupees 3000 per month after attaining the age of 60 years and if the subscriber dies, the spouse of the beneficiary shall be entitled to receive 50% of the

pension as family pension. In this scheme, the family pension is only available to the spouse and not other family members.

Ministry of Civil Aviation provides Automated buggies free of charge for all senior citizens at the airport. Airport operators shall also provide small trolleys after security check for carriage of hand baggage up to the boarding gate, to senior citizens. Senior citizens can also avail multi-level fares offered by Air India for travel on domestic centres. Air India offers 50% discount to senior citizens on the highest economic class basic fare. This discount is offered to people who are above 63 years of age.

Annapurna Scheme: The scheme was announced in the year 1999 to 2000. Its role is to provide food security to poor senior citizens who are not covered under the targeted Public Distribution System and who have no income of their own by providing 10 KG's of food grains per beneficiary per month free of cost.

Department of Pensions and Pensioners grievances: A pensioner's portal has been set up to enable senior citizens to get information regarding the status of their application, amount of pension, document required, if any. This portal also provides lodging of grievances provision.

Indian Railways provide separate counters for ticket and gives 30 to 50% concession in rail fare for male and female senior citizens respectively of 60 years and above.
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Conclusion and Suggestions:

1. It is important that we include the senior citizens while drafting and formulating Programs and policies related to senior citizens.
2. The retirement age should also be reconsidered in case where people are able to contribute in the society.
3. The programs and policies of the Government of India should be advertised, and Awareness programs should be conducted so that the elderly people are aware about the schemes and programs of Government of India.
4. Involving elderly people in Community Service and Social integration is very important.
5. Elderly People should feel that they are wanted in the society and family.
6. Special schemes and programs should be launched to educate elderly people about digital technology so that they are able to use it for their benefit and are not cheated or hacked by the hackers.
7. In Every society, Funds should be created to take care of the needs of elderly people in the society.
8. Community should take the benefit of their experiences and knowledge and share it with the future generations.
9. The local community should also come forward and record and make documents of their traditions and practices and conserve and share it with future generations.
10. Accountability and transparency should be included in all the policies and programs for elderly people.
11. Safety and security of the elderly people should be monitored and ensured by using technology at all levels.
12. Frequent Visits of doctors and Psychologist should be provided to the elderly people in the society.
13. Physiotherapy and other services should also be provided as per the need basis.
14. Assistive devices should be provided to the poor elderly people free of cost.
15. Elderly people should be engaged in different activities as per their capabilities and knowledge in the society.
16. All the stakeholders should come forward and work together for the benefit of Elderly people.

17. Stronger partnership between civil society, community and families are necessary to complement the actions taken by the Government of India for elderly people.

18. Appropriate social and economic policies need to be implemented at all levels for elderly people.

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