

## INAUGURAL ADDRESS SPEECH AT NLSIU, BANGALORE

Hon'ble Justice Shri Shivraj V. Patil, Dr. R. Venkata Rao, Vice Chancellor, NLSIU, Dr. Nagarathna A., Faculty of NLSIU and the eminent personalities, Speakers and Moderators in the following sessions today and tomorrow namely Justice Shri Rajendra Babu, Former Chief Justice of India and Chairperson, NHRC, Justice Shri Santosh Hegde, Former Judge Supreme Court of India, Justice Shri M. Rama Jois, Former Chief Justice, Punjab and Haryana High Court and former Governor of Bihar and Jharkhand, Ms. Ghazala Meenai, Joint Secretary, Deptt of Social Justice and Empowerment, Padma Bhushan Dr. Devi Prasad Shetty, Chairman and Founder of Narayana Hrudayalaya, Prof. Dr. Indira Jai prakash, Consultant and other faculty members of NLSIU and participants.

1. The National Human Rights Commission as a part of its mandate under the Protection of Human Rights Act, 1993 has been constantly moving towards achieving its goal of protecting rights of one and all. This two-day National Seminar has also been organized keeping in view the same objective as of the Commission that includes raising awareness amongst the stakeholders and common mass about the rights of elderly.

2. Human Rights are the rights people are entitled to simply because they are human beings, irrespective of age, religion, caste, language or gender. When their inherent rights are respected, people are able to live with dignity and equality, free from discrimination. The inherent dignity and equality and inalienable rights of all human beings, including the rights of elderly people, were recognized in the 1948 UN Declaration of Human Rights and more specifically through the 1982 UN General Assembly Resolution 37/51 on 'Ageing'. The said Resolution aimed to strengthen the capacities of governments to deal effectively with ageing and address the dependency needs of elderly persons. More recently, the UN General Assembly set up the Open-Ended Working Group on Ageing by Resolution 65/182 on 21 December 2010. The working group is mandated to consider the existing international framework of the human rights of elderly persons and identify possible gaps and measures to address them, including by considering, as appropriate, the feasibility of further international instruments and measures.

3. According to a UN estimate, the population of people aged 60 years and above is expected to grow to 1.2 billion by 2025 and to 2 billion by 2050. There has been a steady rise in the population of elderly persons in India. The number

of elderly persons has increased from 19.8 million in 1951 to 76 million in 2001 and 103.8 million in 2011, and projections indicate that the number of those above 60 years of age in India will increase to 173.2 million by 2026.

4. General improvement in healthcare facilities is one of the main reasons for the increase in the proportion of population of senior citizens. With the changing demographic pattern, and the accompanying socio-economic and technological advances, newer challenges with respect to senior citizens continue to emerge, which necessitate a review of the existing policies and programmes of the Government and the role that civil society must play in this regard.

5. The Right to Equality has been guaranteed by Article 14 of the Constitution of India and is a fundamental right. Article 41 of the Constitution states that the State, within the limit of its economic capacity and development, must make efforts for securing right of public assistance 'in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want'.

6. Some of the challenges in ensuring rights of elderly persons are:-

- Discrimination: Ageism is too often tolerated in societies across the world. Discrimination on the basis of age is often combined with other forms of discrimination, on the grounds of gender, race and ethnicity, religion, disability, health or socio-economic conditions, among others negatively affecting the enjoyment of the full range of human rights of older persons.
- Violence and abuse: Abuse of older persons - physical, emotional and/or sexual - by someone in a position of trust occurs worldwide. Financial exploitation, too, is not infrequent and goes under-reported, and under-documented.
- The single most pressing challenge to the welfare of older persons is poverty, characterized by homelessness, malnutrition, unattended chronic diseases, lack of access to safe drinking water and sanitation, unaffordable medicines and treatments and income insecurity. Despite their own poverty, older persons are often the main providers for the household and the primary caregivers for grandchildren and other family members. Economic empowerment is fundamental to the enjoyment of human rights. Older persons in India often do not have financial protection, such as, sufficient pension and other forms of social security.

The single-most pressing challenge to the welfare of older persons is poverty. Older persons are denied access to services and jobs and in the absence of a secure income are subjected to verbal, sexual, and psychological abuse, financial exploitation, neglect, and abandonment.

- Unattended chronic disease and unaffordable medicines, treatment and malnutrition are part of old age in India. It is necessary that our health care system should be well-equipped with necessary knowledge and wherewithal to deal with the problem of elderly persons. There is a need to develop a system of affordable healthcare premised on a Universal Healthcare Insurance Scheme for all older persons irrespective of their income.

7. The NHRC has recently recommended to the Government of India to start MD courses in Gerontology in various medical colleges of the country with the larger aim of providing earmarked facilities for the Elderly in every District Hospital across the country. In order to accelerate welfare measures and empower the Elderly in ways beneficial for them, the Government of India formulated the National Policy for Older Persons, 1999. This policy essentially

envisages State support for the elderly to ensure financial and food security, healthcare, shelter, and protection against abuse and exploitation. A salient element of the policy is that it recognizes the need for special attention to vulnerable older persons, particularly older women, and the need for expansion of social and community services for older persons.

8. A National Council for Older Persons (NCOP) was also constituted by the Ministry of Social Justice and Empowerment to operationalize the National Policy on Older Persons. Recently, the Ministry re-constituted the National Council for Older Persons (NCOP) as the National Council of Senior Citizens (NCSrC).

9. The Government of India also enacted a landmark legislation – the Maintenance and Welfare of Parents and Senior Citizens Act in 2007 to meet the challenges related to ageing. The Act, inter alia, makes maintenance of parents and senior citizens by their children, and where there are no children, by their relatives, obligatory and justifiable. It contains penal provisions for the abandonment of senior citizens and also envisages protection of the life and property of senior citizens.

10. While the Act has several noteworthy provisions, the present status of implementation of the Act by States and UTs shows that it is not being implemented in its true spirit. One possible reason for this could be the lack of awareness about the provisions of the Act amongst civil society and even State Government functionaries. This needs to be corrected.

11. The Commission had directed all States and UTs to provide information regarding the implementation of the provisions under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 such as whether States/UTs have constituted Maintenance Tribunals, Appellate Tribunals, and old-age homes and also whether States/UTs have ensured medical support for senior citizens as required u/s 20(1)(2)(5) of the Act.

12. The Ministry of Social Justice and Empowerment also launched an Integrated Programme for Older Persons in 2008, which has been further revised in April 2015. The programme seeks to provide basic amenities like shelter, food, medical care, as well as entertainment opportunities to encourage productive and active ageing. Under the scheme, Governments,

NGOs, Panchayati Raj Institutions etc. are being provided financial assistance for running and maintaining old age homes, day care centres, mobile medicare units, day care centres for Alzheimer's disease/dementia patients, physiotherapy clinics for older person, etc.

13. Despite these various schemes and Acts however, problems relating to ageing continue to pose serious challenges, such as, the protection of life and property, financial security, healthcare, protection against abuse, and provision of care and support, among many others.

14. The sweeping changes brought about by globalization have eroded the traditional status of the Elderly in society. In addition, crimes against the Elderly have emerged as a formidable social challenge in recent times. According to a National Crime Record Bureau Report, 32,496 Senior Citizens were murdered in India during the decade 2001–2010 with the highest number of cases reported from UP, Maharashtra and Andhra Pradesh.

15. The Survey Report of HelpAge India for 2014 states that there has been a marked increase in the percentage of Elders who reported experiencing abuse from their families – from 23% in the previous year to 50% in 2014. It added that even today, one in five older persons is unaware of the currently available



redressal mechanisms with respect to elderly abuse. Further while a majority of the victims are aware of the Police Helplines for the Elderly, only a miniscule minority approach them for help.

16. Most elderly people interviewed for the said Report stated that they did not want the intervention of the police to resolve their problems since parents do not want to haul their children before a court of law or the police. Thus, 'family', 'memory', and 'familial attachment' become a guise for dependency, which perpetuates abuse and violence by family members against their aged parents.

17. Presently, there is also a need to debate the vital issue of destitute and abandoned senior citizens. The cruelty inflicted by children who abandon their parents reflects a mismatch in the minds of the younger members of society, in balancing their filial duty and the harsh economic realities of daily life. The issue appears to have a certain degree of religious resonance as well since senior citizens are expected to renounce worldly attachments as they grow old. Those who do not choose to do so are dispossessed of their savings and property,

rendered destitute and abandoned by their families. The case of the widows of Vrindavan is a pertinent case in point.

18. There is also an urgent need for strict implementation of and generating public awareness regarding the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Penalties under the Act need to be enhanced and rigorously imposed. For example, u/s 24 of the Act, the punishment presently awarded for not taking care of one's parents is a maximum of Rs. 5000/- as fine or imprisonment of 3 months. Such punishment however, is not a sufficient deterrent. Neglect and abandonment of dependent senior citizens is a serious and inhumane crime. The imprisonment under the Act should thus, be extended and even the penalty should be sufficiently enhanced. In fact, crimes against dependent elders should be made non-bailable, non-compoundable and a cognizable offence as in the case of the Protection of Women under the Domestic Violence Act or the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Before I close my inaugural address I wish to emphasize that elderly people need nurturing, love and compassion. We need to make sure that best

care is made available to them even in informal systems of the society and that could be effectively attained if masses are sensitized about elderly changing needs. Let me bring back into perspective the reason why there is a need for respecting the rights of elderly because you need to give every human being every right that you claim for yourself irrespective of their age. I do hope that this seminar will bring useful interactions and discussions leading to various important recommendations.

Thank you.

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