

NATIONAL HUMAN RIGHTS COMMISSION

Minutes of the Core Group Meeting on Older Persons held on 12th March 2024

Agenda- “Analyzing Institutional Support Mechanisms in the Socio-Legal Context of Rights of the Elderly in India.”

A meeting of the Core Group on Older Persons was held on 12th March 2024, at Manav Adhikar Bhavan, New Delhi in hybrid mode, which was chaired by Hon'ble Member Dr. Dnyaneshwar Manohar Mulay, National Human Rights Commission and attended by the members of the Core Group, Ex- Officio Members, Special Invitee and NHRC Officials. The list of participants is enclosed at *Annex - I*.

Shri Devendra Kumar Nim, Joint Secretary, NHRC, welcomed all the participants. In his welcome address, he invited the core group members to have an open, constructive and collaborative dialogue to uphold and protect the various dimensions of the steadily increasing senior citizen demographic in India. After giving a brief about the technical sessions planned for the day, he highlighted the importance of realizing the rights of senior citizens in India as a crucial aspect of the country's commitment to social justice and inclusivity. He stressed that, while legislation was in place to protect the elderly, raising awareness about these rights and ensuring their effective implementation was essential, and reiterated the Commission's vision for the same.

Dr. Dnyaneshwar Manohar Mulay, Hon'ble Member, NHRC in his inaugural address commenced by welcoming and thanking all the core group members for their presence and involvement in the meeting. He then elaborated on the importance of reviewing the discussion points of previous meetings before going ahead with the current one, so as to minimize repetition and efficiently deliberate upon topics hitherto uncovered. Reiterating the value of the ageing population, He focused on the aspect of the fast disintegrating family structure- which has played a significant role in causing ageing parents to be deemed as a 'burden' on their children and kin. He highlighted, that there should be a reliable monitoring body in place and practice that addresses and redresses this burning issue of ageing parents being victims of the

modern-day culture of disintegrating joint family systems. Furthermore, he emphasized the role of old age homes and how the environment therein plays a crucial role in maintaining a quality of life for its residents. Old age homes should not be treated as remand facilities with the undertone of taboo and stigma. They should foster an environment of living a life of health, quality and dignity. He concluded his inaugural address by declaring the meeting open for presentation and deliberation.

Agenda 1- Assessing current institutional responses and support available to the elderly

The first Agenda opened with a presentation by **Smt. Monali Dhakate, Joint Secretary Ministry of Social Justice and Empowerment**. She began by mentioning the various welfare schemes that the government has introduced and implemented under the aegis of the Ministry of Social Justice and Empowerment. As the nodal body responsible for senior citizens in the country, she gave a statistical update on the benefits that various programs like the ATAL VAYU YOJANA, SCWF, RPY, ANUBHAV etc. have had on the said disadvantaged group. She also mentioned that through the State Action Plan for Senior Citizens, healthcare advantages like undertaking cataract operations, organizing medical camps etc. have been undertaken successfully and at large scales. About 40,000 candidates have been trained professionally in aspects of caregiving at home and companionship. She stressed on the erosion of family values and interaction which have become a by-product of the degeneration of family structures.

The second speaker for the session was **Ms. Anupama Dutta, who was representing the NGO- HelpAge India**. She began her presentation by highlighting the major urban-rural divide that exists in not implementation of schemes but also in categorizing the various problems faced by older persons in rural areas vis-à-vis urban areas. She mentioned that pertinent legislations that have been enacted for older persons have last been reviewed in 2017/19. Keeping in mind the fast-growing elderly demographic and the changing socio-legal scenario, these legislations should be reviewed with more timely consistency and the amendments should be amalgamated at the legislative and executive levels. Special outreach programs should be initiated to sensitize the masses and make elderly people aware of their

rights. There exist large implementation gaps in the execution of welfare schemes that have been introduced for the concerned group. Ms. Dutta focused on how there should be a 'flexi-pool' for funds allocated to the welfare of elderly people so that efficiency in reaching targets can be achieved. This would also ease the challenge of allocation of funds for social sector stakeholders and smooth administrative procedures. The need for digital literacy and education is a pressing one and the government should focus on furthering this cause among the elderly population. Being the nodal body concerned with the welfare of senior citizens, the Ministry of Social Justice and Empowerment should evaluate the impact of said legislations and the status of improvement of quality of life. In pursuance of this, they should also push the concerned ministries to implement their respective action plans.

The next speaker was **Dr. Abha Chaudhary, Chairperson of NGO-Anugraha**. She began her presentation by focusing on the requirement of a 'Need-Assessment' that should be undertaken by a competent government body, in order to identify the various challenges faced by the elderly and formulate strategies and solutions accordingly. She posed the question of exactly how many welfare schemes and support programs there are for the 'most marginalized' section among the elderly, for example- those crossing 80 years of age etc. she also highlighted how India needs a more culturally and socially suitable action plan which stretches beyond the concept of old age homes and care centres. She further opined that there should be an SOP or manual in place to assess the preparedness of direct stakeholders like police and other concerned personnel for dealing with senior citizens. Similarly, even private organizations should have guidelines on how to incorporate senior citizen care in their functioning. Proper redressal forums should be in place to handle complaints of senior citizen abuse. She highlighted, that the three main groups that advocate at the forefront for rights of the elderly include- students/ youth participants, social welfare officers and police personnel; and hence their literacy with regards to rights of the elderly must be focused upon. There should be mechanisms in place to utilize the ripe wisdom of senior citizens and this should be implemented in the daily routine of old age homes. She reiterated, that the NHRC along with other concerned ministries should conduct joint awareness programs for elderly care

and support. On conclusion of her presentation, Hon'ble Member, NHRC- Dr. Mulay advised her and all mentioned that cases of elderly abuse must be filed as complaints on the NHRC portal, so that NHRC can take cognizance and advice on further action. This concluded the presentations of Agenda one.

Agenda 2- Analyzing the socio-legal aspect of over-burden on children, and challenges thereof.

The second agenda began with a presentation by **Shri Himanshu Rath, who was representing the NGO- Agewell Foundation**. He opened his talk by asking all present just exactly how many cases were truly registered under the said legislations in place for the elderly. He stressed on how there are cultural limitations in India, which further create roadblocks in implementing welfare schemes for senior citizens from an operational perspective. He mentioned the total lack of any district tribunal setup that could deal with issues of the elderly at a grass-root level. He emphasized on how essential it is to first and foremost make the elderly population aware of their specific human rights. He followed this by suggesting that schools at the most fundamental and primary level should incorporate moral education in their CBSE curriculum to foster the value of elderly care in children and sensitize them towards the older population. Mr. Rath made the point for a collective demand for action that should amalgamate and emanate from the concerned stakeholders. He also focused on how important it is to keep check on de-duplication of schemes and programs, so as to maximize efficiency at all levels.

The next speaker was **Dr. S. Siva Raju, Professor, TISS**. He opened his talk by emphasizing on the importance of family as an institution to protect the rights of the elderly. He commented that, with respect to providing financial support and access to timely healthcare, the family and kin networks play a vital role. He even applauded the Wallet Scheme of the Andhra Government that provides timely financial assistance to senior citizens with a humane touch. On this note, he mentioned how important it is for state governments to activate such best practice measures. Keeping in mind the private sector, he elaborated on the need of micro-level intervention by private companies, entrepreneurs etc. who could utilize their CSR funds to help the senior citizens. In terms of raising awareness of the crucial role of

the private sector, he states that NHRC should play a facilitative role and act as a catalyst. He concluded his talk by noting that there should be a clear segmentation of the heterogeneity in concepts pertaining to 'elderly' and 'elderly care'.

Dr. Karthik Narayan R., representative of Athulya Senior Care followed next. Stating that most pertinent points had already been elaborated upon, he gave his further suggestions. The first one was that, there needs to a central and transparent database that mentions all aspects of elderly care and rights, which would act as a quality indicator for all welfare programs henceforth. His second suggestion centered on the problematic nomenclature of "old age homes" and how that breeds further stigma and taboo.

The next speaker was **Smt. Arasi Arul, from 60Plus India**. She gave the example of USA in implementation of community based care for the elderly, which could be used as an innovative initiative in India as well. The example elaborated on how in the USA, under a specific welfare scheme, the number of hours that the youth spends in contributing towards caring for the elderly, the same number of hours of care that particular youth would get in return when they reach older age- thus creating an incentive based care-pool for the elderly in the community. She then continued by illustrating how problematic the usage of the term "old age homes" is, as it inculcates further stigma and taboo and instills a sense of aversion. She opined on how implementation of the welfare schemes in practice should be assured in all states of India, especially in the north-east. This concluded the second technical session.

Agenda 3- Way Forward: Strengthening Institutional Care Mechanisms

The final agenda opened with a presentation by **Shri Rajiv Manjhi, Joint Secretary, Ministry of Health and Family Welfare**. He highlighted the various successful feats that the government has achieved with regards to healthcare provisions for senior citizens. This included the undertaking of numerous cataract surgeries under the aegis of the ministry. He also elaborated on the need for manpower required for specialized care of the elderly, which includes learned professionals for geriatric care. He focused on how the national welfare

schemes have expanded their reach and helped the elderly population across different regions.

The next talk was presented by **S h r i Harimohan Sharma, representative of United Rural Development Services- Manipur.** Elaborating on the current unrest that Manipur faces, Mr. Sharma began by explaining the major problem of connectivity issues that they face as stakeholders involved in protecting the rights of senior citizens. He highlighted that, the allocation of funds from the government is not sufficient to maintain a life of dignity with basic amenities for an old age home. He stated that the funds should be increased to at least Rs. 40 lakh per annum. He also stated that the number of beneficiaries allowed to reside in such a home should be increased per unit. He emphasized the importance of running counseling sessions and programs for the elderly. Furthermore, the case of having hospital empanelment for medical care facilities for the elderly under the AYUSHMAN scheme was raised by him, in order to ease the burden of medical care amongst the elderly population. He concluded his talk by emphasizing on the need of following up on issued advisories and schemes. This was followed by inputs given by Smt. Aabha Chaudhary. She highlighted the aspect of gender disparity and feminization that exists in Manipur among the elderly. She stated that 70 to 80% of the inmates were not destitute. They were victims of rampant substance abuse at the hands of their own children. Instances also included cases of pension of the elderly parents being snatched by the children after which the parents were abandoned in the old age homes. This led to the pertinent question of whether old age homes should be treated as dumping grounds for parents. Hence the need of an assessment of structural set up is felt.

The last speaker for the session was **Mrs. Gargi Lakhanpal, from Vridh Care NGO.** She discussed the importance of ground level implementation and awareness programmes with regards to mental health issues, programmes for income generation and awareness to beneficiaries. She stated that the government's modus operandi should be evaluated and more add campaigns, podcasts and welfare awareness schemes for the older population and their concerned stakeholders at the grass root level should be implemented.

This concluded the core group meeting and **Hon'ble member Dr.**

Mulay gave his closing remarks. He appreciated all the pertinent points and suggestions raised by the various participants and urged them to file specific complaints at the NHRC portal whilst also requesting ministry officials to take note of the issues discussed at their end and facilitate implementation and follow-ups thereof. He emphasized that gaps in policy making and effective implementation need immediate response, which included suggestions like regularly updating the websites of the concerned ministries and their databases.

The meeting ended with the Vote of Thanks to the Chair and all the participants by **Dr Kanaklata Yadav, Consultant (Research), NHRC**.

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Annexure-1

List of Participants

NHRC Officials :

1. Dr. Dnyaneshwar M. Mulay, Hon'ble Member, NHRC (Chair)
2. Shri Rajiv Jain, Hon'ble Member, NHRC
3. Shri Devendra Kumar Nim, Joint Secretary, NHRC
4. Smt. Anita Sinha, Joint Secretary, NHRC
5. Dr. Kanak Lata Yadav, Consultant (Research)
6. Ms. Ahana Ray, JRC, NHRC
7. Ms. Manisha Majumdar
8. Ms. Arpita Sinha, JRC, NHRC
9. Ms. Niharika Sharma, JRC, NHRC

10. Ms. Sharna Chakraborty, JRC, NHRC

11. Ms. Avani Verma, JRC, NHRC

12. Mr. Abhishek Sharma, JRC, NHRC

Members of Core Group/ Ministries' Representatives/ Special Invitees in attendance:

1. Ms. Monali Dhakate, Joint Secretary, Ministry of Social Justice and Empowerment (*Ministry Representative*)

2. Shri Rajiv Manjhi, Joint Secretary, Ministry of Health and Family Welfare (*Ministry Representative*)

3. Ms. Anupama Dutta, HelpAge India (*Core Group Member*)

4. Dr. Abha Chaudhary, ANUGRAHA (*Core Group Member*)

5. Mr. Himanshu Rath, Agewell Foundation (*Core Group Member*)

6. Dr. S. Siva Raju, TISS (*Core Group Member*)

7. Dr. Karthik Narayana R., Athulya Senior Care (*Core Group Member*)

8. Ms. Arasi Arul, 60Plus India, (*Core Group Member*)

9. Shri Harimohan Sharma, United Rural Development Services-Manipur (*Core Group Member*)

10. Mrs Gargi Lakhanpal, Vridh Care NGO (*Special Invitee*)