

Minutes of the Meeting of Core Group on Disability and Elderly Persons

held on 24 August 2018

The first meeting of the Core Group on Disability and Elderly Persons was held on 24 August 2018 in the Conference Hall of the Commission under the **Chairmanship of Smt. Jyotika Kalra, Hon'ble Member, NHRC**, and was attended by Shri Ambuj Sharma, Secretary General, NHRC, Shri Dilip Kumar, Joint Secretary (T&R), Dr. M.D.S. Tyagi, Joint Director (Research), Core Group Members and Special Invitees. A complete list of participants is annexed (**Annex-I**).

2. Smt. Jyotika Kalra, Hon'ble Member, NHRC, requested all the Core Group members and invitees to give their introduction. She expressed her concern as to what can be the justification of continuing with the pension of Rs. 200/- for elderly since 19.11.2007. The pension should atleast be priced indexed so as to neutralize the rise in prices. The recommendation of NHRC is that the pension should be increased to atleast Rs. 2000/- p.m. for elderly people. There is a need that the allocated funds for elderly and disabled should only be utilised for activities related to these groups only and not for any other purpose. There is a need to spread awareness about the schemes related to elderly and persons with disabilities.

3. At the outset, **Shri Dilip Kumar, Joint Secretary (T&R), NHRC** welcomed all the members of the Core Group and the Special invitees and gave a brief description of the agenda of the meeting.

I. Agenda: Issues concerning Elderly Persons

4. On the issue of Old age pension, **Shri Mathew Cherian, Chief Executive, HelpAge India**, pointed out that the pension being given to elderly persons under the National Social Assistance Programme @ Rs. 200/-p.m. has not been enhanced since the year 2007. There is a need to revise it to Rs.2000/- p.m. atleast in order to help them to exercise their right to live their life with dignity. He

also apprise the members that on the issue of enhancing the pension for elderly, the Supreme Court is also hearing a PIL in which he is amicus curiae.

5. **Shri Digambar N. Chapke, President, All India Senior Citizens' Confederation (AISCCON)**, stated that since inception of the National Social Assistance Programme (NSAP) in 2007, the salaries of the government employees have increased but there is no increase in the pension of elderly persons, and, therefore, the pension should be revised as per the price index. Both **Shri Chapke and Shri Cherian** rationalized their views on the revision of pension by stating the need for an increase of old age pension to Rs. 3000 which is less than half of the minimum wages being paid under MGNREGA. **Shri Ambuj Sharma, Secretary, General, NHRC**, suggested that the old age pension should be revised on the basis of the need based index. He further added that, the Commission may request an appropriate body like National Council of Applied Economic Research (NCAER) to develop a need based index for old age pension.

6. **Shri Sudhaker Shukla, Chief Economic Advisor-II, Ministry of Rural Development**, stated that the revision of the pension holds huge financial implication for the central government. He substantiated this by stating that presently there are around 3 crore beneficiaries out of which 2.4 crore may be Senior Citizens. Pension of Rs. 200/-p.m. is being provided under IGNOAPS to the elderly persons in the age group of 69-79 years and 500/- p.m. to those above 80 years belonging to BPL categories. For widows and PwD (from 18 years of age), it is Rs. 300/- p.m. till 79 years and Rs. 500/- p.m. from 80 years onwards. Even an increase from the current pension amount of Rs. 200 to Rs. 400 and including all the eligible persons as per Socio-Economic Caste Census (SECC), it would require subsequent increase in the total budget from Rs. 9,975 crores to Rs. 40,000 crores. He further stated that the scheme covers around 3 crore beneficiaries whereas 5.62 crore persons are to be covered under the pension scheme.

7. **Shri T.P Madhukumar, Deputy Secretary, Department of Social Justice and Empowerment**, stated that an effort is required to bring all the eligible under the pension scheme.

Shri Madhukumar further mentioned that the central government has put a cap on the number of beneficiaries to be included under the old age pension scheme. In case the number of beneficiaries rise above the cap, the gap would be bridged by the state governments. Therefore, he suggested that the said cap on the number of beneficiaries to be given pension under the National Social Assistance Programme should be removed by the Central Government.

8. **Shri Ambuj Sharma** enquired as to how the elderly persons have been provided for under the Centrally Sponsored Ayushman Bharat Scheme. Providing a brief overview of the said scheme, **Shri Ziley Singh Vilal, Deputy Secretary, Ministry of Health and Family Welfare**, mentioned that the Ayushman Bharat Scheme which is a National Health Protection Scheme provides coverage for both rural and urban households. The different categories in rural area include families having only one room with kucha walls and kucha roof; families having no adult member; and landless households deriving major part of their income from manual casual labour etc. and for urban areas, 11 defined occupational categories are entitled under the scheme. He highlighted that that the size of the family is not fixed and therefore, elderly persons are covered under the benefit of the scheme. Shri Chapke suggested that the Ayushman Bharat Scheme should also cover elderly persons who are living alone and not covered under any scheme.

9. **Dr. Gowri N. Sengupta, Additional Director General, Directorate General of Health Services, Ministry of Health and Family Welfare**, apprised that the National Programme for Health Care of the Elderly (NPHCE) is being implemented in 523 districts, and the said programme is functional in 250 districts as far as OPD services are concerned. She further mentioned that an amount of

Rs. 10 lakh per district per annum is being provided under the said programme for the procurement of drugs and Rs 20 lakh has been allocated for regional geriatric centres. She further apprised that under National Health Mission, Rs. 950 crore has been earmarked for primary and secondary healthcare of elderly, i.e., at PHC, CHC and district hospital level and Rs. 105 crore has been earmarked for tertiary care, i.e. Regional Geriatric Centres.

10. **Dr. Manjari Tripathi, Department of Neurology, AIIMS**, suggested that the rights and facilities meant for the elderly persons should be put on the respective ministries websites and the government must sent SMSes on the mobile phones for creating awareness on the same.

I. Agenda: Issues concerning Persons with Disability

8. **Shri P.K. Pincha, Special Rapporteur, NHRC**, stated that there is need for harmonization of National Trust Act for Welfare of Persons with Autism, Cerebral Palsy and Mental Retardation and Multiple Disabilities Act, 1999 and Rehabilitation Council of India Act (RCI), 1992 with the United Nations Convention on Rights of Persons with Disabilities (U.N.C.R.P.D.). Referring to the National trust Act, 1999, Shri Pincha pointed out that the amendment put forward in the said Act centred around on the tenure of the Chairperson and Members of the Board and therefore lacks any substantive thematic amendment. Further, Rehabilitation Council of India Act, 1992, also needs to be revisited and in order to do so, the government needs to hold consultation with all the stakeholders including the primary stakeholders, so as to bring in RCI Act, 1992, in conformity with UNCRPD.

9. **Shri Pincha**, suggested that a circular should be issued by the Ministry of Health and Family Welfare under Section 25 of the Rights of Persons with Disabilities Act (RPD), 2016 which calls for the Government and the local authorities to take necessary measures for the persons with disabilities to

provide,— (a) free healthcare in the vicinity specially in rural area (b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres; and (c) priority in attendance and treatment.

10. Highlighting the grey areas in the RPD Act, 2016, **Shri Pincha** mentioned that it has been provided in the Section 14(i) of the RPD Act that a District Court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian. On the contrary, sub-section (ii) of the RPD Act, 2016, also provide that the District Court or the designated authority, may grant total support to the person with disability. As such, there is a grey area between sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016, which needs to be looked into by the government. Shri Pincha further pointed out that Section 14 of the RPD Act, 2016, and the National Trust Act, 1999, have provision for appointment of guardians for the persons with disabilities, however, guardians under RPD Act, 2016, are appointed by 'District Court or any designated authority', as notified by the State Government while the 'Local Level Committee' has been assigned responsibility for appointment of guardians under the National Trust Act, 1999. Shri Pincha suggested that there is a need to harmonise Section 14 of the National Trust Act with the sub sections (i) and (ii) of Section 14 of the RPD Act, 2016, otherwise there would be two separate authorities appointing the guardians for the persons with disabilities.

11. On the issue of accessibility of buildings to the persons with disabilities, **Shri Rajive Raturi, Director, Human Rights Law Network (HRLN)**, mentioned that as per the Rules notified under the Act, all public buildings (including those owned privately) have to conform to the 'Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016, but the issue lies in the implementation of the same.

12. After due deliberations, the following was decided in the meeting:

A. Elderly

I. Old Age Pension: The old age pension being given to elderly persons be revised on the basis of need based index. The Commission would request an appropriate body like National Council of Applied Economic Research (NCAER) to develop a need based index for fixing the amount of pension for elderly persons. Till the time need based index is prepared, pension should be price indexed.

(Action: NHRC)

II. Removal of cap on the number of beneficiaries: Cap on the number of beneficiaries to be given coverage in a State/UT old age pension under the National Social Assistance Programme should be removed by the Central Government and all needy/eligible persons covered.

(Action: Ministry of Rural Development)

III. Nodal Police Officer: As in the case of JJ Act, 2015, wherein there is a provision of designating a Child Welfare Police Officer in every police station to look into the issues of violation of child rights, on the same lines a police official in every police station may be nominated as Nodal Officer for dealing with the issues concerning elderly persons.

(Action: M/o Home Affairs, Ministry of Social Justice and Empowerment)

IV. Time Bank: Many of the elderly are now living alone in their home without any support from the family. A '**Time Bank**' Scheme was launched by Switzerland wherein people save time for taking care of elderly who need help. Their service hours get deposited into their personal account of social security system. When the volunteer himself gets old and needs someone to take care, he/she could use the 'time bank' and a volunteer

is assigned to take care of him/ her. This model was also adopted by the United Kingdom, and Singapore is also considering implementing it. The Ministry of Social Justice and Empowerment may consider developing a scheme of 'Time Bank' atleast on a pilot basis for taking care of older persons who need help on the lines of the models adopted by Switzerland and United Kingdom.

(Action: M/o Social Justice and Empowerment)

V. CSR Funds: CSR funds of Corporate India could also be utilized for construction of old age homes in the states. This could be facilitated by including the same under Schedule 7 of the Companies Act, 2013, as one of the CSR activities which may be included by the companies in their CSR policies/schemes.

(Action: M/o Corporate Affairs, Department of Public Enterprise)

VI. The Ayushman Bharat Scheme should also cover elderly persons who are living alone and not covered under any scheme.

(Action: Ministry of Health and Family Welfare)

VII. Issue of Circular on Section 25 of RPD Act, 2016 : A circular should be issued by the Ministry of Health and Family Welfare under Section 25 of the Maintenance and Welfare of Elderly Persons Act, 2007.

(Action: Ministry of Health and Family Welfare)

VIII. Access Audit: Access audit by professional auditor be conducted to check that all public buildings (including those owned privately) conform to the 'Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016.

(Action: Ministry of Urban Development)

B. Disability

I. Removal of inconsistency between sub-sections (i) and (ii) of the RPD Act, 2016:

Act, 2016: There is an inconsistency between sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016, as the sub-section (i) provides for limited guardianship for the persons with disabilities who are unable to take legally binding decisions while on contrary, sub-section (ii) provides for the total support to the persons with disabilities. It is recommended that the government should look into this and as such may remove the inconsistency between sub-sections (i) and (ii) of the Section 14 of the RPD Act, 2016.

(Action: D/o Empowerment of Disability Affairs)

II. Harmonisation of RPD Act, 2016 with National Trust Act, 1991: There are two different authorities for appointing guardians for persons with disabilities under RPD Act, 2016 and the National Trust Act, 1999. Appointment of guardians has been designated to 'District Court or any designated authority' under sub -sections (i) and(ii) of the RPD Act, 2016 while 'Local Level Committee' is responsible for the same under Section 14 of the National Trust Act, 1999. There is a need to harmonise the Section 14 of the National Trust Act, 1999 with the sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016.

(Action: D/o Empowerment of Disability Affairs)

III. Department of Empowerment of Persons with Disabilities to send a status report to NHRC regarding the Implementation of Accessible India Campaign (Sugamya Bharat Abhiyan).

(Action: D/o Empowerment of Persons with Disabilities)

IV. The RPD Act provides for access of disabled persons to transport (Section 41), access to information (Sec 42), universally designed consumer products (Sec 43) and mandatory observance of accessibility norms (Sec 44), whereas in practice nothing is observed on the ground. As such substantial fund should be dedicated for implementation of these sections of the Act.

(Action: D/o Empowerment of Disability Affairs)

V. Access Audit: Access audit by professional auditor be conducted to check that all public buildings (including those owned privately) conform to the 'Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016.

(Action: Ministry of Urban Development)

NHRC

1. Smt Jyotika Kalra, Member
2. Shri Ambuj Sharma, Secretary General
3. Shri Dilip Kumar, Joint Secretary (T & R)
4. Dr. M. D. S Tyagi, Joint Director (Research)
5. Shri P. K Pincha, Special Rapporteur (Disability)

Core Group Members and Special Invitees

1. Shri Mathew Cherian, Chief Executive, HelpAge India
2. Dr. (Mrs.) Aabha Chaudhary, Chairperson, ANUGRAHA
3. Shri T.P. Madhukumar, Deputy Secretary (Ageing), Ministry of Social Justice & Empowerment
4. Shri Sunil Sharma, Joint Secretary, Ministry of Health and Family Welfare
5. Shri Sudakar Shukla, Economic Advisor, Ministry of Rural Development,
6. Dr. Digambar N. Chapke, President, All India Senior Citizens' Confederation (AISCCON).
7. Shri Ziley Singh Vilal, Deputy Secretary, Ministry of Health and Family Welfare
8. Shri Ajit Kumar Dung Dung, Under Secretary, Ministry of Health and Family Welfare
9. Dr. Gowri N Sengupta, ADG (NPHCE), Ministry of Health and Family Welfare
10. Dr. G. N Karna, Honorary President, Society for Disability and Rehabilitation Studies
11. Shri Rajive Raturi, Sr Director, Disability Rights initiative in Human Rights Law Network, New Delhi
12. Shri Kavindra Gill, Advocate, Ghaziabad, Uttar Pradesh
13. Shri V. Sundharesan, Advocate, Tamil Nadu
14. Mahesh Sharma, PDG, NIPPD
15. Ms. Sushmita Chakravarti, Chief Dignitarian, Dignity Foundation