

KEY NOTE ADDRESS
**“HUMAN RIGHTS OF SENIOR
CITIZENS”**



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Ladies and Gentlemen,

A very warm good morning to everyone.

At the outset let me thank the organisers for reposing trust and inviting me to address on an important issue of the contemporary world community. Trust me that I possess less knowledge than anyone else here. However, having consented to perform this august task, I try to do my best and humbly request you to pay your attention to address such an important issue of the world, our neighborhood and ours at every home and to seek soul searching solutions by every one of us.

Let me repeat the beautiful stanza of love expressed by Mike Hancock towards the elderly

"Diverse the human and diverse their tongues
But they have agreed on many names for one single love
The love of life
The frail, the weak, the young and fit
All hark for the joy of life
The sublime, simple truth of the winds imprisoned voice
No matter how old we live to be
To be old is not a sin but just another part of life
To live in full in hope and truth"

Human Rights have no discrimination of age or health or any other parameter. Thanks to the increased life expectancy, the modern societies are surging with older population compared to yester years. The seniors' population in the world is projected to increase from 530.5 million in 2010 to 2 billion in 2050. The increase particularly in countries like Japan, China, South Korea and many others in Europe have a much wider concern and challenge to Economic Growth. In all, the increase in the grey haired people with 60+ around the world calls for a relook at the human rights that they possess and the responsibility of younger generations that what they can give back in return to their elders to live a life with love, dignity to be proud of their old age.

Although we refer old age over and above 60 as older persons, the UN has accepted 60 is the cutoff age to be referred to be as older persons. Looking into the Legal background the British Government in 1875 through the Friendly Societies Act defined old age means



any person whose age is above 55+ was regarded as older persons. Realistically speaking, it is difficult to have a uniform definition to define old age. It changes according to society-to-society and region to region. In a developed society, it may be 60+ but in developing societies like African, it can be fit to apply between the age group of 50 to 55. A number of socio, economic and welfare issues surrounding the issue of old age. In the developed world it the criteria of age, where as in the developing world it is seen that a person loosing the stamina and no more able to actively contribute.

The old age is the golden age to be lived, enjoyed, and respected. Nevertheless, in the contemporary era, they are not considered as part of the society, they are ill treated, no proper care is taken about their necessities, dejected, rejected and many a times left to their fate to lead a life on their own after robbing their riches and youthful days. This leads us to have a re-look into the human rights angle that they too deserve their rights to be protected and promoted with all sincerity and respect. Any derogation to their rights would not only breach the moral and ethical percepts of humanity but also leads to violation of their legally recognised rights both in international and national realms.

Ladies and gentlemen, let me subtly summarise the international scenario.

Immediately after the adoption of the UDHR in 1948, a draft resolution on the Declaration of Old Age was received by the UN from Argentina consists of ten articles. The preamble of the Draft declaration aptly stated that the rights of the people in the old age need to be defended and needs a universal safeguard. It pointed out that when the physical strength is at an end the old people are exposed to poverty and neglect. Hence their rights need to be protected. It mainly concentrated on the aspects of accommodation, food, clothing, physical and moral health, leisure, work, and financial stability and finally full protection by his family or by the state.

The UDHR through article 25 made a reference to the right to security in the old age. Except this no provision is stated in International Human Rights Law. All of them talk on aspects of age, gender, disability and other aspects. The ILO, UNESCO and WHO and the organs like the Social Policy and Development Division and UNDP have did considerable work in the area to protect the rights of the old age people. The Committee on ICESCR through general comment No. 6 adopted in 1995 has made some important ground work on the rights of protection of old age.

The World First Assembly on Ageing (Vienna 1982) has developed a Plan of Action on Ageing. The huge number of recommendations made by it led the UN to Adopt Policy document on the Principles for Older Persons in 1991. It talks of five important ethical principles such as dignity, independence, participation, care and self-fulfillment. The UN Declared 1999 as the International year of the older persons. The second World Assembly in 2002 at Madrid generated an international plan of Action. Basing on this the UN recommended the nation states to bring in legal framework at the national level to protect old age.

The advisory committee to the UNHRC released a report in 2010, which is named as Chung Report. The Chung report for the first time expressed the necessity of an international treaty. It felt that all the existing resolutions and work of the UN being recommendatory;



there is a need to adopt a treaty on the rights of older people. The following needed to specially be considered in the protection and upliftment of the rights of old age.

- Right to be Protected against discrimination on grounds of age
- Elder Abuse and the Right to Protection against it.
- Right not to be subjected to torture or to cruel, inhuman or degrading treatment.
- Right to Private Life of the Older people
- Right to Adequate social security
- Right to Housing and Health Care
- Right to Education and the right to work in old age
- Right to find and have a family

Apart from the International Perspective at the Regional Level every Region adopted a number of documents on the protection and promotion of the Rights of the Older Persons.

Let me now turn to the National Scenario

India being a land of karma bhoomi and coupled with a number of religious fervors all most all of them extended regard and respect for old age. Though no special mention of older people in a legal context, their needs and deeds were taken care under the root of joint family system largely, if not all of their rights were met with the required dignity that they deserve. The old age scriptures and practices stated very clearly one who serves and respects elderly is blessed with Long Life, Wisdom, Fame and Power. In the modern context with a number of changes in the Economic, Social and Cultural front, the situation of the older people also deteriorated.

According to 2011 census, the aged population of India is 98.5 million. According to WHO by 2025 the old age population may be expected to reach 125 million.

Though there is no direct provision in the constitution and laws of India Art 41 of the DPSP has relevance to old age with respect to social security. In the personal laws, the Hindu Adoption and Maintenance Act 1956 through section 20 impose an obligation on the children to maintain parents, which includes both sons and daughters. Muslim law has provisions for maintenance of older people. The other religions have no legal obligation in their personal laws. However, Section 125 (1) of CR.P.C. 1973 impose an obligation on the maintenance of parents. Right from independence till date the Government of India adopted a number of provisions for the welfare of older people.

The 1999 National Policy aimed at promoting health, safety and social security and well being of senior citizens. The policy encourages families to take care of older persons. It has identified a number of areas of concern like financial security, health care and nutrition, shelter, education, welfare protection of life .National Council for Older persons was established to work for the welfare and to assist the Government to implement special schemes on the conditions of older people. The Ministry of Social Justice in 2007 integrated policies were introduced with the help of Non Governmental Organisations to assist the Government. Apart from a number of welfare measures and concessions by various ministries, the Government in 1994 introduced the National Pension Scheme.

In the year 2007 it has introduced the legislative measures through the Maintenance and Welfare of Parents and Senior Citizens Act to take care of older people and their rights. However, this act talks only of maintenance and not of their rights. A comprehensive



legislation is necessary with strict provisions for the care and dignity to be achieved by older people .

A traditional and culturally value based country , it is unfortunate the first teachers, Mother and Father are neglected.

By Mere Passing Acts the Governments can handoff their responsibility, they have to lend their helping hand at all times.

Cultural and Value based education to be inculcated into the minds of youngsters.

The provisions of the constitution May be better implemented than preaching by the political parties once they adhere to the normative values than to lip service.

“You don't stop laughing when you grow old, you grow old when you stop laughing.”
– George Bernard Shaw

Ladies and Gentlemen let me conclude that **Old age is said to be a period full of gold and glory, provided the elderly are helped and not left alone to perish. It is our primary duty to respect our elders Let us take a pledge that we adopt a resolution in this august gathering that we work for the welfare of our fathers and mothers and strive to achieve their welfare, life and dignity without any compromise at any cost. Thank you one and all for your patient hearing.**

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