



drishti

## Lack of Basic Rights For the Aged a Concern: SC

---

 [drishtias.com/printpdf/lack-of-basic-rights-for-the-aged-a-concern-sc](https://drishtias.com/printpdf/lack-of-basic-rights-for-the-aged-a-concern-sc)

In response to a public interest litigation, the Supreme Court has ordered the central government to take steps to provide care and rights to the elderly.

- The Supreme Court has ordered that state and central governments must strictly implement the provisions of **Maintenance and Welfare of Parents and Senior Citizens act 2007 (MWP Act)**.
- SC has said that **right to dignity, health, and shelter** are statutory rights of elderly. All the three are components of the right to life **under Article 21**.
- United Nations Population Division has estimated that approximately 19% of Indians will be elderly (aged 60 years and above) by 2050, marking a dramatic jump from the present 8% level.
- **Challenges** faced by the elderly in India include **abandonment by their families, destitution, and homelessness, inability to access quality health care, low levels of institutional support, and the loneliness and depression associated with separation from their families.**

### Judgment

---

- The Supreme court has issued the following important directives in response to a writ petition, seeking enforcement of the rights of elderly persons under Article 21 of the Constitution:
- The central government must obtain the necessary information about the number of old age homes, medical facilities available in each district.
- Making senior citizens aware of their constitutional and statutory right.
- MWP Act should be publicized and implemented effectively.
- The Government should relook at schemes related to senior-citizen and overhaul them to bring convergence and avoid multiplicity.
- The grant pension to the elderly should be more realistic.
- There is a need to continuously monitor progress in the implementation of rights of the elderly.

## Major Steps taken by the Government

---

- **Maintenance and Welfare of Parents and Senior Citizens Act of 2007**
  - The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 made **it a legal obligation for children and heirs to provide maintenance to senior citizens**. It also permits state governments to establish old age homes in every district.
  - Senior citizens who are unable to maintain themselves shall have the **right to apply to a maintenance** tribunal seeking a monthly allowance from their children or heirs.
  - State governments may set up maintenance tribunals in every sub-division to decide the level of maintenance. Appellate tribunals may be established at the district level.
  - State governments shall **set the maximum monthly maintenance allowance**. The Act caps the maximum monthly allowance at Rs 10,000 per month.
  - Punishment for not paying the required monthly allowance shall be Rs 5,000 or up to three months imprisonment or both.
- **Indira Gandhi National Old Age Pension Scheme**
  - The **scheme IGNOAPS was launched in the year 1995 by the Ministry of Rural Development**. The scheme is a major part of National Social Assistance Programme.
  - Under this scheme senior citizens i.e. people who are 60 years or above receive Rs. 200 as a pension on monthly basis. People who have crossed 80 years receive Rs. 500 instead of Rs. 200 on monthly basis.
  - In this scheme, **the pension type is the non-contribution pension**. It means the employee does not have to contribute anything to get the pension from the government.
- **Pradhan Mantri Vaya Vandana Yojana (PMVVY)**

The government has launched the '**Pradhan Mantri Vaya Vandana Yojana (PMVVY)**' to provide social security during old age and to protect elderly persons aged 60 and above against a future fall in their interest income due to uncertain market conditions.
- The state should secure a social order for the promotion of the welfare of the people under **Article 38 in The Constitution Of India**.
- **Madrid International Plan of Action on Ageing (MIPAA)**: The plan is a resource for policy-makers, suggesting ways for governments, non-governmental organizations and other stakeholders to reorient the ways in which their societies perceive, interact with and care for their older citizens, as two billion people will be aged 60 and above by 2050.