

Justic V.C. Misra
Chairman

U.P.State Law Commission
Lucnow

Rv. Vi.Aa- 989/Shodh 07/2010
Dated: 25 Nov, 2010

Dear Chief Minister/Law Minister,

I have great pleasure in forwarding herewith **Seventh Report, 2010** of the U.P. State Law Commission proposing a separate new legislation by the Legislature of State on **“THE UTTAR PRADESH MAINTENANCE AND WELFARE OF PARENTS, SENIOR CITIZENS, AND DEPENDENTS ACT, 2010**

Though the parents can claim maintenance under the Code of Criminal procedure, 1973, the procedure is both time-consuming as well as expensive, and it does not cover the grand-parents, senior citizens and dependants. Hence, there is need to have simple, inexpensive and speedy provisions to claim maintenance for parents, grand-parents, senior citizens and dependents to secure the objective of principles laid down in **Article 41 read with Article 38 of the Constitution of India.**

The proposed legislation has many such provisions also which do not find place in the **Central Act No. 56 of 2007** Hence, the Commission decided to take up the matter suo-motu on the subject and prepared a report with a Model Draft Bill titled **“THE UTTAR PRADESH MAINTENANCE AND WELFARE OF PARENTS, SENIOR CIRIZENS, AND DEPENDENTS ACT-2010”**. The report contains the recommendations on proposed legislation in its Chapter- VII. The model draft of the proposed legislation is annexed as Annexure-I to the report.

With kind regards,

Yours sincerely

Sushri Mayawati,
Chief Minister/Law Minister,
Uttar Pradesh.

(Justice V.C. Misra)

Encl: A Report with proposed Draft Bill

UTTAR PRDESH STATE LAW COMMISSION
SEVENTH REPORT
2010

ON
PROPOSED
BILL

THE UTTAR PARDESH MAINTENANCE AND WELFARE
OF PARENTS, SENIOR CITIZENS,
AND DEPENDENTS ACT-2010

UTTAR PRADESH STATE LAW COMMISSION
SEVEMTH- REPORT
2010
ON
PROPOSED LEGISLATION
OF

THE UTTAR PRADESH MAINTENANCE AND WELFARE OF PARENTS, SENIOR
CITIZENS, AND DEPENDENTS ACT, 2010

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UTTAR PRADESH STATE LAW COMMISSION

SEVENTH REPORT-2010

ON

The Uttar Pradesh Maintenance and Welfare of Parents, Senior Citizens and Dependents Act, 2010

CHAPTER-I

Introduction-

- 1.1- A man's life is normally divided into five main stages namely infancy, childhood, adolescence, adulthood and old age. In each of these stages an individual has to find himself in different situations and different problems. The old age is not without problems. In old age physical strength deteriorates, mental stability diminishes; money power becomes bleak coupled with negligence from the younger generation.
- 1.2- According to NGOs incidences of elderly couples being forced to sell their houses are very high. Some elderly people have also complained that in case of property dispute they feel more helpless when their wives side with their children. Many of them suffer in silence as they fear humiliation or too scared to speak up. According to them a phenomenon called 'grand dumping' is becoming common in urban areas these days as children are being increasingly intolerant of their parents' health problems. After a certain age health problems begin to crop up leading to losing control over one's body, even not recognizing own family owing to Alzheimer are common in old age, It is then children began to see their parents as burden. It is these parents who at times wander out of their homes or are thrown out. Some dump their old parents or grand parents in old-age homes and don't even come to visit them anymore.
- 1.3- As we enter the 21st century, we are getting devalued every day. The generation today has no time left for the elders. But not every time the reason to leave parents is that children do not love their parents. In today's world life became very tough

to sustain and to live properly and graciously you need money, even parents tried that their children will get best higher education and after that to make careers and to make money sometimes child have to leave the parents. Many times disintegration of combined families and migration of family members to cities, other parts of the country and world.

1.4 In addition to this, many families have working couples possessing earning capacity to meet both ends; they remain away from homes for long hours leaving senior citizens to fend for themselves, the same leading to difficulties Senior citizens find it lonely and difficult to spend long hours without some one to take care of themselves and other domestic responsibilities.

1.5 All of us have some responsibility towards one's parents and this is a noble endeavor. Total community of today is insensitive to this issue.

1.6 Currently, 11% of India's elderly live alone or with non-relatives. By 2025, it is estimated that 25% of those over 60 and 40% of those over 75 are likely to be living alone. Even if they live together, the elderly are overwhelmed by the new concepts of time and space.

1.7 With the economic liberalization started during 1990, India is now trying to become economic super power in the near future. However. growing population poverty, unemployment, natural calamities, disease, cross border terrorism, regional disparities, political instability, and add to all these the population ageing and large number of aged workers in the informal sector are the growing concern for India.

1.8 The current problem of the policy makers to extend socio economic security for the poor is the demographic ageing and increased number of aged in country's population.

The growth of the aged population which is either dependent on the young or unemployed or working for food during the evening years of their life is a challenge to the social security systems in the country. As there is no correct definition to the aged. This can be safely taken as the retirement age in the organized employment in the country is between 58 years to 60 years on majority. According to the data available from the decennial census the number of aged has increased from about 19.6 million in 1951 to 75.93 million in 2001 or by 287 percent over 50 years period. Their share of population increased from 5.5 to 6.8 percent. However in effect, nearly 72 percent of the increase in the number of the aged has to be attributed to population growth, whereas the balance 28 percent has been due to the aging of the population. The improvement in the intake of nutrition and medicine and treatment has brought about an appreciable increase in life expectancy. The life expectancy, which was around 29 years in 1947, has increased manifold and now stands closer to 63 years. Projection studies indicate that the number of 60+ in India will increase to 10 crore in 2013 and to almost double or 19.8 crore in 2030.

1.9 The traditional norms and values of the Indian society laid stress on showing respect and providing care for the aged. The aged members of the family were normally cared for by the family itself. However, in recent times, society is witnessing a gradual but definite withering of the joint family system, as a result of which a large number of parents are not being maintained by their children, as was the normal social practice. Consequently, the elders are now exposed to emotional neglect and to lack of physical and financial support. They are facing a lot of problems in the absence of adequate social security.

1.10 with their dwindling financial resources and weakening health, parents are often being perceived as burden, even while living within the family. Many older persons are now living with spouse and without children, while many persons, specially widowed women are forced to spend their twilight years alone. This clearly reveals that ageing has become a major social challenge and financial support, care and treatment are required for the older persons. Unfortunately, the time has come when the moral obligation of children to look after their parents in their old age has to be backed by a legal obligation.

1.11 Senior Citizens are an increasing component of the Indian society and dependency in old age is increasing in the country while on the one hand there is significant increase in longevity and low mortality, on the other hand cost of good health care facilities is spiraling and there is little social security. Senior Citizens need a regular cash flow stream for supplementing pension/other Income and addressing their financial need.

1.12 Thus ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Tendency to neglect the aged and infirm parents and dependants is increasing day and there is apparent need to compel the young generation to perform their moral obligations which they owe to the society in respect of their families and aged infirm parents, so that they are not left beggared and destitute on the scrape-heap of society and thereby driven to life of vagrancy for their subsistence. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive, but it does not cover the grant-parents, senior citizens and dependants. Hence, there is need to need to have simple, inexpensive and speedy provisions to claim maintenance for parents, grand-parents, senior citizens and dependents to secure

the objective of principles laid down in Article 41 read with Article 38 of the Constitution of India, and to ensure the care and maintenance of parents and dependants particularly who are in old age, destitute, sickness, disablement and really need care from their kith and kins as they are not looking after them.

1.13 Though the Parliament has enacted, “The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007) in pursuance of the provisions of Article 41 read with Entry 23 of the Concurrent List of Seventh Schedule of the Constitution of India, as we have been told that the State of Uttar Pradesh has not adopted the said legislation, so far, we are of the view that the State of Uttar Pradesh may enact of its own legislation titled “**The Uttar Pradesh Maintenance And Welfare of Parents, Senior Citizens, And dependants Act, 2010**” under Entry 23 of the Concurrent List of Seventh Schedule of the Constitution of India, as the State of Himachal Pradesh had already enacted such a legislation titled the “Himachal Pradesh Maintenance of parents and Dependants Act, 2001.”

1.14 As the matter is of great concern, and related to the old age persons, and there is no state law on the subject, so far, the Commission is of the view that there should be a separate legislation in the State of U.P. on the subject to protect the rights of the old Age persons and to recognize their legitimate rights in society and help older people to live the last phase of their life with purpose, dignity and peace and to prevent their vagrancy and destitution. Hence, the Commission decided to take up the matter suo-motu and submit a report with a Model Draft Bill on the subject to the State Government to enact a suitable legislation by the Legislature of State to achieve the above object.

1.15 The matter was entrusted to shri Ishwar Dayal, Full-time Member, of the Commission to research upon the subject and prepare a Model Report and Model Draft Bill with all possible assistance of other Members.

1.16 Various meetings were held by the Commission on the subject at Commission's head quarter and its Camp office at Allahabad to formulate a Draft Report and Model Draft Bill on **“The Uttar Pradesh Maintenance and Welfare of parents, Senior Citizens, And Dependants Act, 2010”**

1.17 An outcome of the discussion in various meetings finally culminates into a Draft Report with Model Draft Bill, prepared by shri Ishwar Dayal, full-time Member, was finally circulated to all the Members of the Commission and their views were invited thereon.

1.18 The views on Draft Report and Draft Bill was discussed at a meeting of the Commission held on 08- November, 2010. The Report of the Commission proposing enactment by the Legislature of State titled **“The Uttar Pradesh Maintenance And Welfare of parents, Senior Citizens, And Dependants Act, 2010”**; to be submitted to the State Government has been finally settled, approved and signed by the Chairperson and the Members of the Commission at its meetings held on 18 November, 2010 Following are some of the main features of the proposed legislation:-

Clause 3- Provides for entitlement for maintenance by parents, grand parents, Senior Citizens and Dependants who is unable to maintain himself and is resident in the State of Uttar Pradesh in case of parent and grand parents against one or more of his children or grand children and in the case of a childless senior Citizens against his relatives who is in possession of the property of such senior citizens or he would

inherit his property and in case of dependants (other than a parent, grand parent, wife, minor son or unmarried daughter) if such dependant has not obtained by testamentary or intestate succession, any share in an estate of his ancestor, against the person who take the share.

- Clause 4- Provides for making an application for maintenance by a senior citizen or a parent or a grand parent or a dependant and if he is unable to make an application such an application may be made on his behalf by any member of his family or any person or an organization in whose care he resides or any other person authorized by him or maintenance officer. The Tribunal may also take cognizance suo-motu.
- Clause 5- Provides that an application for maintenance may be made by senior citizen or a parent or a grand parent or a dependant against children or grand children or relative in any districts where the senior citizen or a parent or a grand parent or a dependant resides or last resided or where the children or grand children or relatives resides. The Tribunal shall have the power of a judicial Magistrate First Class for securing the attendance of children or grand children or relative It also provides that the Tribunal may before hearing the application under clauses 4 shall Endeavour for amicable settlement of dispute between the parties.
- Clause 6- Provides that the State Government shall, within a period of six months from the date of the commencement of this Act, establish for each sub-division one or more Tribunals. The Tribunal shall be presided over by an officer not below the rank of sub-Divisional officer It further provides that the Tribunal shall decide every application within a period of three months from the date of service of the notice.

- Clause 7- provides that Tribunal may order the maintenance allowance but it shall not exceed ten thousand rupees per month.
- Clause 8- provides that the Tribunal may order the respondent to pay to the applicant such some by way of interim maintenance which shall not be less than rupees five hundred pre month pending the final disposal of the maintenance application.
- Clause 11 provides the on proof of misrepresentation or mistake of fact or change in the circumstances of any person, receiving a monthly allowance, the Tribunal may reconsider its any subsisting order for maintenance, whether secured or unsecured and may vary or rescind the same.
- Clause 12 provides that maintenance payable under this Act shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of any debt or claim whatsoever.
- Clause 13 provides that the order of maintenance made under this Act shall have the same force and effect as an order passed chapter IX of the Code of Criminal procedure, 1973.
- Clause 14 provides that if a senior citizen, after the commencement of this Act, transfers to his family member, relative or friend his entire property by way of gift or otherwise, unconditional or without consideration, as the case may be, the donee/transferee shall be bound to provide the basic amenities and basic physical needs to the donor/transferor and if such done/transferee refuses or fails to provide such amenities and physical needs to the donor/transferor, action shall be taken against such donee/transferee, by the Tribunal at the option of the donor/transferor, in such manner as provided under the provisions of this Act. It also provides that where any senior citizen has right to receive

maintenance out of an estate or part thereof is transferred, the right may be enforced against the transferee. It further provides that if any senior citizen is incapable of enforcing the right action may be taken on his behalf by any of the organisation registered under the Society Registration Act.1960 or any other law for the time being enforced.

- Clause 15 Provides that where an applicant is unable to make an application under this Act, such an application may be made on his behalf by a family member or any person or organisation in whose care he resides or a person or authorized by the applicant or maintenance officer.
- Clause 16 provides that the district Social Welfare officer shall be the maintenance officer of parents, grand parents, senior citizens and dependents who shall represents the applicant if he so desires before a Tribunal or Appellate Tribunal.
- Clause 17 provides that where senior citizen or a parent, or a grant parent, or a dependent is entitled for maintenance under this Act and also under chapter IX of the Code of Criminal procedure, 1973, he will have the option to pursue their claim either under the Code of Criminal Procedure, 1973or under the provisions of this bill but not under both.
- Clause 18 provides that provision of this Act shall be in addition to and not in derogation of chapter IX of the Code of Criminal Procedure, 1973 and the provisions of any law for the time being in force in respect of a suit or a proceeding for maintenance.
- Clause 19 provides that children or grand children or relative who are required to pay any amount of maintenance ordered by the Tribunal shall deposit the entire amount within thirty days with the Tribunal in such manner as the Tribunal may direct, failing which, Tribunal may, for every breach of the order, issue a

Warrant for levying the amount due in the manner provided for levying fines, and may sentence to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier.

- Clause 20- provides that the Tribunal may direct the payment of interest of not less than five per cent and not more than ten per cent in addition to the amount of maintenance. It also provides that amount of maintenance. It also provides that where an application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 is pending before a Court at the Commencement of this Act, then such Court shall allow the withdrawal of such application on the request of the parent or senior citizen.
- Clause 21- provides for establishment of Appellate Tribunal, for each district, within a period of six months from the date of commencement of this Act. It shall be presides that over by the District judge.
- Clause 22 provides that except as provided in the section the decision of the Maintenance Tribunal shall be final It further provides that appeal against the orders of the Tribunal may be filled within thirty days from the date of order upon any question of law or of mixed law and fact It also provides that the respondent shall continue to pay the maintenance amount as ordered by the Tribunal, in a manner directed by the Appellate Tribunal Appeal shall be decided within one month. Procedure for hearing of appeal is also given. It also provides that there shall be no further right of appeal from the decision of the Appellate Tribunal. Copy of order shall be provided to both the parties free of cost.
- Clause 23 provides that the legal practitioner shall not participate in any of the proceeding before the Tribunals and Appellate Tribunals.

- Clause 25 provides that State Government may approve institutions or organisations engaged in Social Welfare or the representative thereof, persons professionally engaged in promoting the welfare of the family persons working in the field of Social Welfare and any other persons whose association with the Tribunal would enable it to exercise its jurisdiction more effectively.
- Clause 26- provides that State Government shall establish the old age homes in a phased manner for senior citizens who are indigent in each district to accommodate at least two hundred senior citizens. Old age homes may be setup close to orphanages. State Government shall provide medical care and shall setup recreation centre for senior citizen living in the old age home for their entertainment.
- Clause 27 provides that State Government shall ensure that beds be provided for all senior citizens in Government hospitals funded fully or partially by the Government. It also provides that the private hospitals who have been provided land on concessional rates/free of cost or other facilities for construction of hospital by the Government shall reserve some beds for senior citizens and shall also give concession towards consultation and treatment to them. It further provides that all senior citizen shall be covered under Group Health Insurance. The doctors working in the Government hospitals to conduct medical camps in various parts of the state, especially in rural and far flung areas. The Mobile Medicare Unit programme may be implemented to provides Medicare at the door step. Separate queues be arranged for senior citizens, facility for treatment of chronic, terminal and degenerative diseases, research activities chronic diseases shall be

Expanded and facilities for geriatric patients in every district hospital shall be earmarked.

Clause 28 provides that State Government shall take measures to give wide publicity through public media including the television, radio and print, at regular intervals, the provisions of the Act, It further provides that the State Government may establish senior citizens service and information centers in each district under the supervision of Maintenance officer and State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizen. It also provides that the State Government may setup a Help Line. Counseling Centers etc. for senior citizens.

Clause 29 provides that the State Government shall introduce an old Age pension Scheme for senior citizen having no sufficient means for their livelihood and are resident in the State of U.P.

Clause 30 provides that any person who is having care or protection of any senior citizen intentionally abandons a senior citizen shall be liable for punishment of imprisonment up to six months or with fine which may extend to ten thousand rupees or with both.

Clause 31 provides that the offences under Act are cognizable and boilable and shall be tried summarily by a Magistrate.

1.19 We wish to express our appreciation for valuable service and assistance received from shri Santosh kumar Pandey, Secretary, State Law Commission in the preparation of the Report and assisting the Commission right through.

1.20 We also acknowledge the valuable services and assistance rendered by the other officers and officials of the Commission in the preparation of the Report.

CHAPTER –II

AGEING SCENARIO IN INDIA AND NATIONAL EFFORTS ON AGEING

2.1 Ageing Scenario in India

2.1.1 The 2001 census has shown that the elderly population of India accounted for 77 million. While the elderly constituted only 24 million in 1961, it increased to 43 million in 1981 and to 57 million in 1991. The population of India rose from 5.63 per cent in 1961 to 6.58 per cent in 1991 and to 7.5 per cent in 2001 This is true of other older age cohorts too The elderly population aged 70 and above which was only 8 million in 1961 rose to 21 million in 1991 and to 29 million in 2001. Besides, the proportion of elderly above 70 in the total population increased from 2.0 per cent in 1961 to 2.9 per cent in 2001. The Indian population census reported 99,000 centenarians in 1961 their number rose to 138,000 in 1991. The growth rate among different cohorts of elderly such as 60 plus, 70 plus and 80 plus during the decade 1991-2001 was much higher than the general population growth rate of 2 per cent per annum during the same period However, the sex ratio among the elderly in India has favored males (Tables 1 and 2)

Table 1: Number and proportion of Elderly in the Indian population by Age Groups, 1961-2001

	Number (in Millions)					Percentage of Elderly to the total population				
	1961	1971	1981	1991	2001	1961	1971	1981	1991	2001
60+	25	33	43	57	77	5.6	6	6.49	6.76	7.5
70+	9	11	15	21	29	2	2.1	2.33	2.51	2.9
80+	2	3	4	6	8	0.6	0.6	0.62	0.76	0.8
90+	0.5	0.7	0.7	1	n.a	0.1	0.1	0.1	0.2	n.a
100+	0.01	0.01	0.01	0.01	n.a	0.02	0.02	0.02	0.02	n.a

Note: Compiled from the last five population censuses.

Source: Paper published by S Irudaya Rajan in Population Ageing and Health in India.

Table 2: Sex Ratio and Growth Rate among the Indian Elderly, 1971-2001

	Sex Ratio of Elderly (males per 1000 females)			Growth of Elderly (percent)			
	1971	1981	1991	2001	1971-81	1981-91	1991-2001
60+	1066	1042	1075	1028	2.78	2.72	3.04
70+	1030	1026	1084	991	3.13	3.08	3.32
80+	950	990	1090	1051	2.54	4.35	2.35
90+	897	892	1019	n.a	0.06	5.08	n.a
100+	798	844	896	n.a	0.19	0.44	n.a

Note: Estimated from the four censuses.

2.1.2 India is one of the few countries in the world where males outnumber females. This phenomenon among the elderly is intriguing because female life expectancy at ages 60 and 70 is slightly higher than that of males. However, at any given age, contrary to what we would normally expect, there are more widows than widowers and reasons for this unusual phenomenon need to be identified. Life expectancy at birth among Indian males had been higher than that among females until the first half of the 1990s. Apart from this unusual demographic pattern of excess female mortality during infancy and childhood, the phenomenon of age exaggeration among the aged complicates the analysis.

2.1.3 In India, the sex ratio of the aged as well as that of the old-old favors males. Reasons for more males in old age may consist of under-reporting of females, especially widows, age exaggeration, low female life expectancy at birth, and excess female mortality among infants, children and adults. Notwithstanding the several analytical and statistical problems indicated above, the preponderance of females in extreme old ages needs to be brought to the attention of planners and policy makers.

2.1.4 Available findings on ageing suggest that fertility has played a predominant role in the ageing process compared to mortality. In India, there has been a substantial reduction in mortality compared to fertility since 1950. For instance, while the crude birth rate declined from 47.3 during 1951-61 to 22.8 in 1999, the crude death rate fell steeply from 28.5 to 8.4 during the same period. Logically, therefore, India is expected to undergo a faster decline in fertility in the immediate future compared to mortality, because mortality is already at a low level. The ageing process in India will, therefore, be faster than in other developing countries. Moreover, the transition from high to low fertility is expected to narrow the age structure at its base and broaden the same at the top. In addition, improvement in life expectancy at all ages will allow more old people to survive, thus intensifying the ageing process. In this context, an examination of the increasing life expectancy indicates that the gain will be shared by older people and will increase their longevity. Table 3 provides evidence to support this ---- males are expected to live 16 years beyond age 60 and 10 years beyond age 70 and the corresponding years for females are 18 and 11 respectively. Urban females are expected to live for an additional two years at age 60 compared to their rural counterparts.

Table 3: Life Expectancy at ages 60 and 70 for Indians

	Male			Female		
	eo	e60	e70	e0	e60	e70
1970- 75	50.5	13.4	8.6	49	14.3	9.2
1976- 80	52.5	14.1	9.6	52.1	15.9	10.9
1981- 85	55.4	14.6	9.7	55.7	16.4	11
1986- 90	57.7	14.7	9.4	58.1	16.1	10.1
1991- 95	59.7	15.3	10	60.9	17.1	11
1995- 1999	60.8	15.7	10.3	62.2	17.7	11.6

Note: Compiled from life tables produced by the Registrar General of India for various periods.

2.2 Emerging Ageing Scenario, 2001-2051

2.2.1 To assess the emerging ageing scenario of India in the first half of the 21st century and for this, the elderly population of India has been projected for the next 50 years. Table 4 gives a profile of the elderly classified by ages 60 and above, 70 and above and 80 and above in terms of size, proportion and gender dimensions.

2.2.2 For the projections, the 2001 census age data published by the Registrar General of India has been used as the base population; assumptions on future fertility and mortality trends are based on post trends as revealed by the Sample Registration System and other sources such as the first and second round of National Family Health Surveys. The projection period ranges from 2001 to 2051.

Table 4: Number, proportion and Sex Ratio of the Elderly, 2001-2051

	2001	2011	2021	2031	2041	2051
60 and above						
Numbers (in million)	77	96	1.33	179	236	301
Percentage to the total population	7.5	8.2	9.9	11.9	14.5	17.3
Sex ration (males per 1000 females)	1028	1034	1004	964	1008	1007
70 and above						
Numbers (in million)	29	36	51	73	98	132
Percentage to the total population	2.9	3.1	3.8	4.8	6	7.6
Sex ratio (males per 1000 females)	991	966	970	930	891	954
80 and abive						
Numbers (in million)	8	9	11	16	23	32
Percentage to the total population	0.5	0.7	0.8	1	1.4	1.8
Sex ratio(males per 1000 females)	1051	884	866	843	774	732

Note: According to the 2001 census, India was administrative divided into 28 stages and 7 Union Territories .

It is also important to note that projected elderly population above 60 years of age in 2051 were already born in 1991 and were 10 years old in 2001. Given our assumptions regarding mortality, the projections are likely to be valid.

2.2.3 The size of India's elderly population aged 60 and above is expected to increase from 77 million in 2001 to 179 million in 2031 and further to 301 million in 2051. The proportion is likely to reach 12 per cent in 2031 and 17 per cent in 2051. However, the sex ratio among the elderly favours males. Which is contrary to the experience of other developing nations. The number of elderly persons above 70 years of age (old-old) is likely to increase more sharply than those 60 years and above. The old are projected to increase five-fold between 2001- 2051 (from 29 million in 2001 to 132 million in 2051). Their proportion is expected to rise from 2.9 to 7.6 per cent. Although we have found excess males in the age group 60 and above, the old-old sex ratio in India is expected to grow faster than any other age group in the population. In absolute terms, it is likely to increase four-fold from 8 million in 2001 to 32 million in 2051.

2.3 Constitutional Provisions

2.3.1 In Constitution of India Entry 24 List III- Concurrent List of Seventh Schedule deals with the "welfare of Labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits." Further, Entry No. 9 of the State List deals with the relief of the disabled and unemployable and Entry No's 20 and 23 of Concurrent List relates to economic and social planning and social security and social insurance respectively.

2.3.2 Article 41 of Directive principles of State Policy has particular relevance to old Age Social Security. According to this Article, "the State shall, within the limits of its economic capacity and development, make effective provision for securing

The right to work, to education and to public assistance in case of unemployment, OLD AGE sickness and disablement, and in other cases of undeserved want”

In this regards Article 38 runs as follows:-

“ 38 State to secure a social order for the promotion of welfare of the people –

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- (2) The State shall in particular, strive to minimize the inequalities in income, and Endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but areas or engaged in different vocations.”

Though Directive Principles of State policy are not enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

2.4 Legal Rights

2.4.1 Code of Criminal procedure, 1973

Section 125 (1) (d) makes it incumbent for a person having sufficient means to maintain his father or mother, unable to maintain himself or herself and on getting proof of neglect or refusal, may be ordered by a first class Magistrate make a monthly allowance, as such Magistrate thinks fit, and to pay the.

same to such person as the Magistrate may from time to time direct. It is applicable to all, irrespective of their religious faith and religious persuasions, and includes adopted parents.

In **AIR 1987 SC 1100, Dr. Mrs. Vijaya Manohar Arbat, Vs kashirao Rajaram Sawai and another Hon' ble Supreme Court** interpreted S. 125 (1) (d) and has held as follows:-

“ 13 After giving our best consideration to the question, we are of the view that Section 125 (1) (d) has imposed a liability on both the son and the daughter to maintain their or mother who is unable to maintain himself or herself. Section 488 of the old Criminal Procedure Code did not contain. a. provision like Clause (d) of Section (1) The legislature in enacting Criminal procedure Code, 1973 thought it wise to provide for the maintenance of the parents of a person when such parents are unable to maintain themselves. The purpose of such enactment is to enforce social obligation and we do not think why the daughters should be exclude from such obligation to maintain their parents.”

2.4.2 The Hindu Marriage Act, 1955

S 24 Maintenance pendente lite and expenses of proceedings

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.

S 25 Permanent alimony and maintenance (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband. As the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum of a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

- (2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1) it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.
- (3) If the court is satisfied that the party in whose favour an order has been made under this section has remarried or, if such party is the wife, that she has not remained chaste, or, if such party is the husband that he has sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

2.4.3. The Hindu Adoptions and Maintenance Act, 1956 (No. 78 of 1956)

S. 20(1) provides that a Hindu is bound, during his or her lifetime, to maintain or her aged or infirm parents, if unable to maintain himself or herself out of his or her own earning or property.

2.4.4 MAHOMEDAN LAW

Chapter XIX of Mulla's principles of Mahomedan Law deals with the maintenance of relatives. S. 371 and S. 372 deal with the maintenance of parents and maintenance of grand parents. Respectively which are relevant to this report. These Sections run as follow:-

- “ **371. Maintenance of Parents-** (1) Children in easy circumstances are bound to maintain their poor parenst, although the latter may be able to earn something for themselves.
- (2) A son though in straitened circumstances is bound to maintain his mother, if the mother is poor, though she may not be infirm.
- (3) A son who, though poor, is earning something is bound to support his poor father who earns nothing.”
- “ **372 Maintenance of grandparents-** A person is bound to maintain his paternal and maternal grandfathers and grandmothers if they are poor but but otherwise, to the same extent as he is bound to maintain his poor father.”

2.4.5. The persons of other religious faith and religious persuasions who have no personal laws may seek maintenance under the provisions of the Code of Criminal Procedure, 1973

2.4.6 It is difficult get maintenance under the aforesaid Acts, as the procedure is both time consuming as well as expensive.

2.4.7 Legislation by the Himachal Pradesh Government

The Himachal Pradesh Maintenance of parents and Dependants Act, 2001 (As Assented to by the president of India on 8th September 2001) makes it mandatory for children to look after their aged parents and other dependents or pay a maintenance allowance. The amount of maintenance is to commensurate with the family's status. The State Government through this legislation has tried to bypass the courts. Complainants can simply go to a sub- Divisional Magistrate or any other appellate authority to seek redressed of their grievances.

2.4.8 Enactment by the parliament

As stated earlier, in pursuance of the provisions of Article 41 read with Entry 23 of the Concurrent List of Seventh Schedule of the Constitution of India, the Parliament has enacted, “ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act. No. 56 of 2007), ” but the State of Uttar Pradesh has not adopted the said legislation, so far Hence, separate Legislation is needed on the subject for the maintenance and welfare of parents, parents, grand parents, senior citizens and dependants.

2.4.9 Over the years, the Government of India has launched various schemes and policies for older persons. These schemes and polices are meant to promote the health, well-being and independence of senior citizens around the country some of these programmers have been enumerated below:

2.4.9.1 The Central Government came out with the National policy for Older Persons in 1999, to Promote the health and welfare of senior citizens of India This policy aims to encourage individuals to make provisions for their own as well as their spouse's old age. It also strives to encourage families to take care of their older family member. The main objective of this policy is to make older people fully independent citizens. The National Policy on Older Persons is as follows:-

NATIONAL POLICY ON OLDER PERSONS (NPOP)

I THE BACKGROUND

DEMOGRAPHIC TRENDS

1. Demographic Ageing: A global phenomenon has hit Indian shores as well. People are living longer. Expectation of life at birth for males has shown a steady rise from 42 years in 1951-60 to 58 years in 1986-90, it is projected to 67 year in 2011-16, an increase of about 9 years in a twenty five year period (1986-90) to 2011-16), in the case of females, the increase in expectation of life has been higher, about 11 years, during the same period, from 58 years in 1986-90 to 69 years in 2011-16. At age 60 too, the expectation of life shows a steady rise and is a little higher for women. In 1989-93 it was 15 years for males 16 years for females.
2. Increased life expectancy has contributed to an increase in the number of persons 60+ From only 12 million persons 60+in India in 1901, the number crossed 24 million in 1951 and 57 million in 1991 Population projections (1996) indicate that the 100 million mark is expected to be reached in 2013 Projections beyond 2016 made by the United Nations (1996)

Revision), indicated that India will have 198 million persons 60+ in 2020 and 326 million in 2050. The percentage of persons 60+ in the total population has seen a steady rise from 5.1 percent in 1901 to 6.8 percent in 1991. It is expected to reach 8.9 percent in 2016. Projections beyond 2016 made by United Nations (1996 Revision) has indicated that 2.1 percent of the India Population will be 60+ by 2050.

3. Growth rate on a larger demographic base implies a much larger increase in numbers. This will be the case in the coming years. The decade 2001-11 is expected to witness an increase of 25 million persons 60+, which is equivalent to the total population of persons 60+ in 1961. The twenty five year period from 1991 to 2016 will witness an increase of 55.4 million persons 60+, which is nearly the same as the population of persons 60+ in 1991. In other words, in the twenty five year period starting from 1991, the population 60+ will nearly double itself.
4. Sixty three percent of the old population in 1991 (36 million) is in the age group 60-69 years. Often referred to as young old or not so old while 11 percent (6 million) is in the age group 80 years and over i.e in the older old or very old category. In 2016, the percentage in those age groups will be almost the same, but the numbers are expected to be 69 million and 11 million respectively. In other words, close to six-tenths of the population 60-69 years can be expected to be in reasonably good physical and mental health, free of serious disability and capable of leading an active life. About one-third of the population 70-79 can also be expected to be fit for a reasonably active life. This is indicative of the huge reserve of human resource.
5. Men outnumber women in India even after age 60 (29 million males and 27 million females 60+ in 1991). This will continue to be the situation in 2016, when there will be an estimated 57 million males and 56 million females 60+.
6. Incidence of widowhood is much higher among females 60+ than among males of the same age group because it is customary

to get married to men older than them by several years, also they do not remarry and live longer. There were in 1991, 14.8 million widowed females 60+ compared to 4.5 million widowed males. In other words, there were four times as many widow females as widowed males.

2. IMPLICATIONS

- 7.** The demographic ageing of population has implications at the macro and also at household level. The sheer magnitude of numbers is indicative, both of the huge human reserve and also of the scale of endeavours' necessary to provide social services and other benefits.
- 8.** Demographic transition has been accompanied by changes in society and economy. These are of a positive nature in some areas and a cause of concern on others.
- 9.** A growing number of persons 60+ in the coming decades will belong to the middle and upper income groups, be economically better off with some degree of financial security, have higher professional and educational qualifications, lead an active life in their 60s and even first half of 70s and have a positive frame of mind, looking for opportunities for a more active, creative and studying life.
- 10.** Some areas of concern in the situation of older persons will also emerge, signs of which are already evident, resulting in pressures and fissures in living arrangements of older persons. It is true that family ties in India are very strong and an overwhelming majority live with their sons or sons or are supported by them. Also, working examples find the presence of old persons, emotionally bonding and of great help in managing the household and caring for children. However, due to the operation of several factors, the position of a large number of older persons has become vulnerable due to which they cannot be taken for granted that their children will be able to look after them when they need care in old age, specially in view of the longer life span implying.

an extended period of dependency and higher costs to meet health and other needs.

11. Industrialization, urbanization, education and exposure to life style in developed countries bring in changes in values and life styles. Much higher costs of bringing up and educating children and pressures for gratification of their desires affects transfer of shares of income for the care of parents. Due to shortage of space in dwellings in urban areas and high rents, migrants prefer to leave their parents in their native place. Changing roles and expectations of women, their concepts of privacy and space, desire not to be encumbered by caring responsibilities of old people for long periods, career ambitions, and employment outside the home implies considerably reduced time for care-giving. Also, adoption of small family norms by a growing number of families, daughters, too are fully occupied. Pursuing their educational career. The position of single persons, Particularly females, is more vulnerable in old age as few persons are willing to take care for non-lineal relatives. So also is the situation of widows have no independent source or income, do not own assets are totally dependent.

3. THE MANDATE

12. Well-being of older persons has been mandated in the Constitution of India. Article 41, Directive principle of State policy, has directed that the State shall, within the limits of its economic capacity and development, make effective provision for securities, the right to public assistance in case of old age. There are other provisions too, which direct the state to improve the quality of its citizens. Right to equality has been guaranteed by the Constitution as a Fundamental right. There provision apply equally to older persons. Social security has been made the concurrent responsibility of the central and state Governments.

- 13.** The last two decades have witnessed considerable discussions and debate on the impact of demographic transition and of changes in society and economy on the situation of older persons. The United Nations principle for Older persons adopted by the United Nations General Assembly in 1991, the Proclamations on Ageing and the Global targets as Ageing for the year 2001 adopted by the General Assembly in 1992, and various other Resolutions adopted from time to time, are intended to encourage government to design their policies and program in this regard.
- 14.** There has for several years been a demand for a policy statement by the state towards its senior citizens so that they do not face an identity crisis and know where they stand in the overall national perspective. The need has been expressed at different forums where ageing issues has been deliberated. The statement, by indicating the principles underlying the policy, the directions, the needs that will be addressed and the relative roles of the government and non-government institutions, is expected to facilitate carving out of respective areas of operations, and action in the direction of a humane, age-integrated society.

II NATIONAL POLICY STATEMENT

- 15.** The National policy, seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored or marginalized. The goal of the National Policy is the well being of older persons. It aims to strengthen their legitimate place in society and help older persons to live their last phase of their life with purpose, dignity and peace.
- 16.** The policy visualizes that the state will extend support for financial security, healthcare, shelter, welfare and other needs of older persons, provide protection against abuse and exploitation, make available opportunities for the development of the potential and provide services so that they can improve the quality of their lives, The policy is based on some broad principles.

- 17.** The Policy recognizes the need for affirmative action in favour of the elders, It has to be ensured that the rights of older persons are not violated and they get opportunities and equitable share in development program and administrative action will reflect sensitivity towards older persons living in rural areas. Special attention will be necessary to older females so that they do not become victims of triple neglect and discrimination on account of gender, widowhood and age.
- 18.** The policy views the life cycle as a continuous one of which past-60 phase of life is an integral part, It does not view age 60 as the cut off point for beginning a life of dependency It considers 60+ as a phase when the individual should have the chances and opportunities to lead an active, creative, productive and satisfying life An important thrust is, therefore, an active and productive involvement of older persons and not just their care.
- 19.** The policy values of an age-integrated society It will Endeavour to strengthen integration between generations, facilities two-way flows and interactions and strengthen the bonds between the young and the old. It believes in the development of social support system, informal as well as formal, so that the capacity of families to take care of older persons is strengthened and they can continue to live in their family.
- 20.** The policy recognizes that older persons too are resource. They render useful service in the family and outside. They are not just consumers of goods and services, but also their producers. Opportunities and facilities need to be provided so that they can continue to contribute more effectively to the family community and the society.
- 21.** The policy firmly believes in the empowerment of older persons so that they can acquire better control over their lives and participate in decision-making on matters which affect them as well as the other issues as equal partners in the development process, The decision making process will seek to involve them to a much larger extent, specially since they constitute 12 percent of the electorate, a proportion which will rise in the coming years.

22. The Policy recognizes that larger budgetary allocations from the state will be needed and the rural and urban poor will be given special attention, However, it is neither feasible nor desirable for the state alone to attain the objectives of the National Policy Individuals, families, communities and institutions of civil society have to join hands as partners.

23. The Policy emphasizes the need for expansion of social and community services for older persons, particularly women, and enhance their accessibility and use by removing sociocultural, economic and physical barriers and making the services client-oriented and user-friendly. Special efforts will be made to ensure that the rural areas, where more than three-fourths of the older population lives, are adequately covered.

III PRINCIPAL AREAS OF INTERVENTION AND ACTION STRATEGIES

4. FINANCIAL SECURITY

24. A great anxiety in old age relates to financial insecurity When the issue seen in the context of the fact that one-third of the population (1993-94) is below the poverty line and about one-third above it but belong to the lower income group, the financial situation of two-thirds of the population 60+ can be said to be fragile, Some level of income security in old age is goal which will be given very high priority Policy instruments to cover different income segments will be developed.

25. For elderly persons below the poverty line, old age pensions provide some succor, Coverage under the old age pensions scheme for poor persons will be significantly expanded from the January, 1997 level of 2.76 million with the ultimate objective of covering all older persons below the poverty line, simultaneously it will be necessary to prevent delays and check abuses in the matter of selection and disbursement. Rate of monthly pension will need to be revised at intervals so that inflation does not deflate its real purchasing.

Power. Simultaneously, the public distribution system will reach out to cover all persons 60+ living below the poverty line.

26. Employees of government and quasi-government bodies and industrial workers desire better returns from accumulation in provident funds, through prudent and safe investment of funds. Issues involved will be given consideration. It will be ensured that settlement of pensions, provident fund, gratuity and other retirement benefits is made promptly and superannuated persons are not put to hardship due to administrative lapses. Accountability for delays will be fixed. Redressal mechanisms for superannuated persons will be ensured prompt fair and humane treatment. Widows will be given special consideration in the matter of settlement of benefits accruing to them on demise of husband.
27. Pension is a much sought after income security. The base of pension coverage needs to be considerably expanded, it would be necessary to facilitate the establishment of pension scheme both in the private and in the public sector for self-employed and salaried persons in non-government employment with provision for employees also to contribute.
28. Taxation policies will reflect sensitivity to financial problems of older persons, which accelerate due to very high costs of medical and nursing care, transportation and support services needed at home. Organization of Senior Citizens have been demanding a much higher standard deduction for them and a standard annual rebate for medical expenses treatment, whether domiciliary or hospital-based in cases where superannuated persons do not get medical coverage from their erstwhile employers. There are also demands that some tax relief must be given to son of daughter when old parents co-reside and also allow some tax rebate of medical expenses. These and other proposals of tax relief will be considered.

29. Long term savings instruments will be promoted to reach both rural and urban areas. It will be necessary for the contributors to feel assured that the payments at the end of the stipulated period are attractive enough to take care of the likely erosion in purchasing power due to erosion. Earners will be motivated to save in their active working years for financial in old age.
30. Pre-retirement counseling programs will be promoted and assisted.
31. Employment in income-generating activities after superannuation should be the choice of the individual organizations which provide career guidance training and orientation and support services will be assisted. Programs of non-governmental organizations for generating income of old persons will be encouraged. Age-related discrimination in the matter of entitlement to credit marketing and other facilities will be removed. Structural adjustment policies may affect the older workers in some sectors more adversely. Specially those on household or small scale industry. Measures will be taken to protect their interests.
32. The right of parent without any means to be supported by their children having sufficient means has been recognized in Section 125 of the Criminal Procedure Code. The Hindu Adoption and Maintenance Act, 1956 too secures this right to parents. To simplify the procedure provide speedy relief, lay down the machinery for processing cases and define the rights and circumstances in a comprehensive manner, the Himachal Pradesh Maintenances of Parents and Dependent bill, 1996 The Government of Maharashtra has prepared a Bill on similar lines. Other State will be encouraged to pass similar legislation so that old parents unable to maintain themselves do not face abandonment and acute neglect.

5. HEALTHCARE AND NUTRITION

33. With advancing age, old persons have to cope with health and associated problems some of which may be chronic, of a multiple nature, requires constant attention and carry the risk of disability and consequent. Loss of autonomy. Some health problems, specially when accompanied by impaired functional capacity require long term management of illness at home and of nursing care.

34. Health care needs of older persons will be given high priority. The goal should be affordable health services, very heavily subsidized for the poor and graded system of user charges for others. It will be necessary to have a judicious mix of public health services, health insurance, health services provided by not-for profit organization, including trusts and charities and private medical care. While the first of these will require greater State participation, the second category will need to be promoted by the state, the third category given some assistance. Concessions and relief and the fourth encouraged, preferably by an association of providers of private care.

35. Primary health care system will be the basic structure of public healthcare. It will be basic structure of public healthcare. It will be strengthened and oriented to be able to meet the health care needs of older persons as well public health services, preventive, restorative and rehabilitative, will be considerably expanded and strengthened and geriatric care facilities provided at secondary and tertiary levels. This will imply much larger public outlays, proper distribution of services in rural and urban areas and much better health administration and delivery systems.

36. The development of health insurance will be given high priority to cater to the needs of different income segments of the population and have provided for varying contributions and benefits. Package catering for the lower-income groups will be entitled to health insurance to enlarge the base of coverage and make them affordable.

- 37** Trusts, charitable societies and voluntary agencies will be promoted encouraged and assisted by way of grants, tax relief and land at subsidized rates to provide free beds, medicine and treatment to the very poor elder citizens and reasonable user charges for the rest of the population.
- 38** private medical care has expanded in recent years, offering the latest medical treatment facilities to those who can afford it Where land and other facilities are provided at less than market rates, bodies representing private hospitals and nursing homes will be requested to direct their members to offer a discount to older persons. Private general practitioners will be extended opportunities for orientation in geriatric care.
- 39.** Public hospitals will be directed to ensure that elderly patients are not subjected to long waits and visits to different counters for medical tests and treatment. They will Endeavour to provide separate counters and convenient timings on specified days. Geriatric wards will be set up.
- 40.** Medical and paramedical personnel in primary secondary and tertiary health care facilities will be given training and orientation in health care of the elderly. Facilities for specialization in geriatrics medicine will be provided in the medical colleges. Training in nursing care will include geriatric care Problems of accessibility and sue of health services by the elderly arise due to distance and absence of escort and transportation. Difficulties in reaching a public health mobile health services, special cases and ambulance services by charitable institutions and not for profit health care organizations. Hospitals will be encouraged to have a separate Welfare Fund, which will receive donations and grants for providing free treatment and medicines to poor elderly patients.
- 41.** For the old who are chronically ill and are deprived of family support, hospitals supported or assisted by the state public charity and voluntary organizations will be necessary. These are also needed to cater to cases of abandonment to public hospitals.

- 42** Assistance will be given to geriatric care societies for the production and distribution of instruction material on self care by older persons. Preparation and distribution of easy-to-follow guidance material on health and nursing care of older persons for the use of the family care givers will also be supported.
- 43** Older persons and their families will be given access to educational material on nutritional needs in old age. Information will be available on the foods to avoid to and the right foods to eat. Diet receipts suiting tastes of different regions and which are nutritious tasty, fit into the dietary pattern of the family and the community, are affordable and can be prepared from locally available vegetables, cereals and fruits will be disseminated.
- 44.** The concept of healthy ageing will be promoted It is necessary to educate older persons and their families that diseases are not a corollary of advancing age, nor is a particular chronological age the starting point for decline in health status. On the contrary, preventive health care and early diagnosis can keep a person in reasonable good health and prevent disability.
- 45** Health education programmes will be strengthened by making use of mass media and other communication channels, which reach out to different segments of the population The capacity to cope with illness and manage domiciliary care will be strengthened Programs will also be developed targeting the younger and middle age groups to inform them how life styles during early years affect health status in late years. Messages on how to stay healthy for the entire life span will be given. The importance of balanced food diets, physical exercise, regular habits, reduction of stress, regular medical check of hobbies will be conveyed Programs on Yoga, Meditation and methods of relaxation will be developed and transmitted through different channels of communication to reach diverse audiences.
- 46.** Mental health services will be expanded and strengthened. Families will be provided counseling facilities and information

on the care of treatment of older persons having mental health problems.

47. Non-governmental organizations will be encouraged and assisted through grants, training and orientation of their personnel and various concessions and relief to provide ambulatory services, day-care and health care to complement the efforts of the state.

Shelter-

48. Shelter is a basic human need. The stock of housing for different income segments will be increased. Housing schemes for urban and rural lower income segments will earmark 10 percent of the houses, house-sites for allotment to older persons. This will include Indira A was Yojana and other schemes of the Government. Earning person will be motivated to invest in their housing in their earning days so that they have no problems of shelter when they grow old. This will require speedy urban land development for housing, time-bound provision of civic services and communication links, availability of loans at reasonable rates, easy repayment installments, time bound construction schedule and tax reliefs. Development of housing has to be a joint Endeavour of public and private sectors and require participation of housing development boards, civic authorities, housing finance institutions and private developers and builders. Older persons will be given easy access to loans for purchase of housing and for major repairs, with easy repayment schedules.
49. Layouts of housing colonies will have to respond to the life styles of the elderly. It will have to be ensured that there are no physical barriers to mobility and accessibility to shopping complexes, community centers, parks and other service is safe and easy. A multipurpose centres for older persons is a necessity for special interaction and to meet other needs, It will therefore be necessary to earmark sites for such centres in all housing colonies Segregation of older persons in housing colonies has to be avoided, as it prevents interaction with the rest of the

Community, Three or four storeyed houses without lifts are unfriendly to older persons, tend to isolate them, restrain their movement outside the home, and are a serious barrier to access to services. Preferences will be given to older persons in the allotment to flats on the ground floor.

50. Group housing of older persons, comprising of flatlets with common service facilities for meals, laundry, common room and rest room will be encouraged. Those would have easy access to community services, media care parks, recreation and cultural centres.
51. Education, training and orientation of town planners, architects, and housing administrators will include modules on needs of older persons for safe and comfortable living.
52. Older person and their families will be provided of accidents and on measures which enhance safety, taking cognizance of reduced physical capacity and infirmities.
53. Noise and other forms of pollution affect children, the sick and older persons more adversely, Norms will be laid down and strictly enforced.
54. Civic authorities and bodies providing public utilities will be required to give top priority to attending to complaints of older persons. Payment of civic dues will be facilitated. Older persons will be given special consideration in promptly dealing with matters relation to transfer of property, mutation, property tax and other matters, harassment and abuses in such cases will be checked.

6 EDUCATION

55. Education, training and information needs of older persons will be met. These have received virtually no attention in the past. Information and educational specially relevant to the lives of older people will be developed and widely disseminated using media and non-formal communication channels.

56. Discrimination, if any against older persons for availing opportunities for education, training and orientation will be removed. Continuing education programs will be encouraged and supported. These would cover a wide spectrum ranging from career development to recreation use of leisure and imparting skills in community work and welfare activities. Assistance of open universities will be sought to develop packages using distance education learning techniques. Access of older persons to libraries of universities, research institutions and cultural centres will be facilitated.
57. Educational curriculum at all stages of formal education as also non-formal education will incorporate material to strengthen inter-generational bonds and mutually supporting relationships. Interactions with educational institutions will be facilitated, whereby older persons with professional, qualifications and knowledge in science, arts, environment, socio - cultural heritage, sports and other areas could interact with children and young persons. Schools will be encouraged and assisted to develop out-reach programs for interacting with older persons on a regular basis, participate in the running of senior citizens centres and develop activities in them.
58. Individuals of all ages, families and communities will be provided with information about the ageing process and the changing roles, responsibilities and relationships at different stages of the life cycle. The contributions of older persons inside the household and outside will be highlighted through the media and other forum and negative images, myths and stereotypes dispelled.

7. WELFARE

59. The main thrust of welfare will be to identify the more vulnerable among older persons such as the poor, the disabled, the infirm the chronically sick and those without family support and provide welfare services to them on a priority basis. The

Policy will be to consider institutional care as the last resort when personal circumstances are such that their in old age homes becomes absolutely necessary.

60. Non- institutional services by voluntary organisation will be promoted and assisted to strengthen the coping capacity of the older persons and their families This has become necessary, since families become smaller and women work outside the home, have to cope with scarcity of full-time care givers Support services will provide some relief through sharing of the family's caring responsibilities.
61. Assistance will be provided to voluntary organisations by way of grants-in-aid for homes. Those for the poor will be heavily subsidized. It is important that such institution become lively places of stay and provide opportunities to residents to interact with the outside world. Non-governmental organisations will be encouraged to seek professional expertise in the designing of old age homes, keeping in view needs of group living at this stage of the life cycle and the class of clients they serve. Minimum standards of services in such homes will be developed and facilities provided for training and orientation of persons employed in those homes.
62. Voluntary organisations will be encouraged and assisted to organize services such as day care, multi-service citizen's centres, reach-out services, supply of disability related and appliances, assistance to old persons to learn to use them, short term stay services and friendly home visits by social workers. For old couples or persons living in their own, helpline, telephone assurance services, help in maintaining contacts with friends, relatives and neighbours and escorting older persons to hospitals, shopping complexes and other places will be promoted for which assistance will be given to voluntary organisations. Older persons will be encouraged to form informal groups of their own in the neighborhood which satisfy the needs for social interaction, recreation and other activities. For a group of neighborhood villages, the formation of senior citizen's forum will be encouraged.

63. A welfare fund for older persons will be set up. It will obtain funding support from government, corporate sector, trusts, charities, individual donors and others. Contributions to the fund will be given tax relief. States will be expected to establish similar funds.
64. The need for popularity of arrangements for welfare services is recognized by government. Voluntary organisations and private sector agencies all have a place, the latter catering to those who have the means and desire standards of care.

8. PROTECTION OF LIFE AND PROPERTY

65. Old persons become soft targets for criminal elements. Also become victims of fraudulent dealings and of physical and emotional abuse within the household by family members to force them to part with their ownership rights. Widow's right of inheritance, occupancy and disposal at times, violated by their own children and relatives. It is important that protection is available to older persons. The introduction of special provisions in IPC to protect older persons from domestic violence will be considered and machinery provided to attend all such cases promptly. Tenancy legalisation will be reviewed so that the rights of occupancy of older persons are restored steadily.
66. Voluntary organisations and associations of older persons will be assisted to provide protective services and help to senior citizens through helping services, legal and other measures.
67. Police will be directed to keep a friendly vigil on older couples or old single persons living alone and promote mechanisms of interaction with neighbourhood associations. Information and advice will be made available to older persons on the importance of keeping contacts on phone with relatives, friends and neighbours and on precaution to be taken on matters such as prevention of unauthorized persons, vendors and others and the handling of cash and valuables.

9 OTHER AREAS OF ACTION

- 68.** There are various other areas which would need affirmative action of the state to ensure that cards by the administration, fare concessions in all modes travel, preference in reservation of seats in local public transport, modification in the design transport, modification in the design of public transport vehicles for entry and exit, strict enforcement of traffic discipline at zebra crossings to facilitate older persons to cross streets, priority in gas and telephone connections easy movement, concessions in entrance fee in leisure and entertainment facilities, art and cultural centres and places of tourist interest.
- 69.** Speedy disposal of complaints of older persons relating to fraudulent dealings, cheating and other matters will go a long way in providing relief to them. Machinery for achieving this objective will be put in place.
- 70.** Issues pertaining to older person will be highlighted every year on the National Older Persons Day. The year 2000 will be declared as the National Year of Older Persons. Activities during the year will be planned and executed with the participation for different organisations.
- 71.** Facilities, concessions and reliefs given to older persons by the central and state government and other agencies will be compiled, updated at regular intervals and made available to associations of older persons for wide dissemination.

10. NON-GOVERNMENTAL ORGANISATIONS

- 72** The state alone cannot provide all the services needed by the older persons. Private sector agencies cater to a rather small segment of the population. The National Policy recognized the NGO sector as a very important institutional mechanism to provide user-friendly affordable services to complement the endeavours of the state in this direction.

73. Voluntary effort will be promoted and supported in a big way and efforts made to remedy the current uneven spread, both within a state and between states. There will be continuous dialogue and communication with NGOs on ageing issues and on services to be provided. Networking exchange of information and interaction among the NGOs will be facilitated. Opportunities will be provided for orientation and training of manpower. Transparency, accountability, simplification of procedures and timely release of grants to voluntary organisations will ensure better services. The grant-in aid policy will provide incentives to encourage organisations to raise their own resources and not become dependent only on government funding and providing services on a sustainable basis.
74. Trusts, charities, religious and other endowment will be encouraged to extend their areas of concern to provide services to the elderly by involving them on ageing issues.
75. Older persons will be encouraged to recognize themselves to provide services to fellow senior citizens thereby making use of their professional knowledge, expertise and contacts. Initiative taken by them in advocacy, mobilisation of public opinion, raising of resources and community work will be supported.
76. Support will be provided for setting up volunteer programs which will mobilise the participation of older persons and other in community affairs to interact with elders and help them with their problems. Volunteers will be provided opportunities for training and orientation on handling problems of the elderly and kept abreast of development in the field to promote active ageing. Volunteers will be encouraged to assist the home bound elderly, particularly frail and elderly women and help them to overcome loneliness.
77. Trade unions, employers' organisations and professional bodies will be approached to organise sensitivity programmes for their members on ageing issues and promote and organise services for superannuated workers.

11. REALISING THE POTENTIAL

78. The national policy recognizes that 60+ phase of life is a huge untapped resource. Facilities will be made available so that the potential is realised and individuals are enabled to make the appropriate choices.
79. Older persons, particularly women, perform useful but unsung roles in the household. Efforts will be made to make family members appreciate and respect the contribution of older persons in the running of the household specially when women too are working outside the home. Special programmers will be designed and disseminated through the media targeted at older persons so that they can enrich and update their knowledge, integrate tradition with contemporary needs and transmit more effectively socio cultural heritage to the grand children.

12. FAMILY

80. Family is the most-cherished institution in India and the most vital non-formal social security for the old. Most Older persons stay with one or more of their children, particularly when independent living is no longer feasible. It is for them the most-preferred living arrangement and also the most emotionally satisfying. It is important that the family support system continues to be functional and the ability of the family to discharge its caring responsibilities is strengthened through support services.
81. Programmers will be developed to promote family-values, sensitize the young on the necessity and desirability of intergenerational bonding and continuity and the desirability of meeting filial obligations. And Values of sharing and caring need to be reinforced. Society in sharing in the light of the changing context where parents have only one or two children in some situations only daughter. This would require some adjustment and changes

in perception of in-laws in regard to sharing of caring responsibilities by some and daughters as a rollary to equal rights to inheritance and the greater emotional attachment the daughters have with their parents.

82. State policies will encourage children to co-reside with their parents by providing tax relief, allowing rebates for medical expenses and giving preferences in the allotment of houses. Parents will be encouraged to go in for long-term savings instrument and health insurance during their earning days so that financial load on families can be eased. NGOs will be encouraged and assisted to provide services which reach out to older persons in the home or in the community short term stay in facilities for older people will be supported so that families can get some relief when they go out. Counseling services will be strengthened to relieve intra-familial stresses.

13. RESEARCH

83. The importance of a good data base on ageing will require to be strengthened. Universities, Medical colleges and research institutions will be assisted to set up centres of gerontology studies and geriatrics. Corporate bodies, Banks, Trusts and endowments will be requested to institute chairs in universities and medical colleges in gerontological and geriatrics. Funding support will be provided to academic bodies for research projects on ageing Superannuated scientists will be assisted so that their professional knowledge can be utilized.
84. An interdisciplinary coordinating body on research will be set up. Data collecting agencies will be requested to have a separate age category 60+ years and above. Professional association of gerontologists will be assisted to strengthen research activity, disseminate research findings and provide a platform for dialogue debate and exchange of information.

85. The necessity of a national institute research, training and documentation is recognized. Assistance will be given for setting up research centres in different parts of the country.

14. TRAINING OF MANPOWER

86. The policy recognizes the importance of trained manpower. Medical colleges will be assisted to offer specialities in geriatrics training institute for nurses and for the paramedical personnel need to introduce specific courses of geriatrics in their educational and training curriculum. In-service training centres will be strengthened to take up orientation courses on geriatric care. Assistance will be provided for development of curriculum and course material. Schools of social work and university departments need to give more attention to their curriculum to issues relating to older persons intervention strategies and organizations of services for them. Facilities will be provided and assistance given for training and orientation of personal non-governmental organizations providing service to older persons. Exchange of training personnel will be facilitated.
87. Assistance will be given for development and organization of sanitation programmers on ageing for legislative, judicial and executive wings at different levels.

15. MEDIA

88. The National policy recognizes that media have a very important role to play in highlighting the changing situations of older person and in identifying emerging issues and areas of action. Creative use of media can promote the concept of active ageing. Creative use of media can promote the concept of active ageing and help dispel stereotypes and negative images about this stage of the life cycle. Media can also help to strengthen inter-generation bonds and provide individuals, families and groups with information and educational material which will give better understanding of the ageing process and of ways to handle problems as they arise.

89. The policy aims to involve media as well as informal and traditional communication channels on ageing issues. It will be necessary to provide opportunities to media personnel to have access to information apart from their independent sources of information and reporting of field situations. Their participation in orientation programmes on ageing will be facilitated. Opportunities will be extended for greater interaction between media personnel and persons active in the field of ageing.

IV IMPLEMENTATION

90. The National policy on older persons will be very widely disseminated for which an action plan will be prepared so that its features remain in constant public focus.

91. The policy will make a change in the lives of the senior citizens only if it is implemented. While the government and the principal organs have some basic responsibilities in the matter, other institutions as well as individuals will need to consider how they can play their respective roles for the well being of older persons. Collaborative action will go a long way in achieving a more humane society, which gives older persons their legitimate place. Apex level organizations of older persons have special responsibilities in this regard that they can function as a watchdog, energize continuing action, mobilize public opinion and generate pressure for implementation of the policy.

92. The ministry of social justice and empowerment will be the nodal ministry to co-ordinate all matters relating to the implementation of the policy. A separate bureau of older persons will be set up. An inter-ministerial committee will coordinate matters relating to implementation of national policy and monitor its progress. States will be encouraged to set up a separate directorate of older persons and set up machinery for coordination and monitoring.

93. Five year and Annual action plans will be prepared by each ministry to implement aspects which concern them. These will indicate steps to be taken to ensure flow of benefits to older persons from general programmes and from schemes specifically formulated for their wellbeing. Targets will be set within the framework of a time schedule. Responsibility for implementation of action points will be specified. The planning commission and the finance ministry will facilitate budgetary provisions required for implementation, The Annual report of each ministry will indicate progress achieved during the year.
94. Every three years a detailed review will be prepared by the nodal ministry on the implementation of the National policy. There will be non-official participation in the preparation of the document. The review will be a public document. It will be discussed in a National convention state government and union territories will be urged to take similar action.
95. An autonomous national council for older persons, headed by the minister for social justice and empowerment will be set up to persons. The council will include representatives of relevant central ministries and the planning commission. Five states will be represented on the council by rotation. Adequate representation will be given to non-official members, representing non-government organizations, academic bodies, Media and experts ageing issues from different fields.
96. An autonomous registered national association of older persons (NAOPs) will be established to mobilize senior citizens, articulate their interests, promote and undertake programs and activities for their wellbeing and to advise the government on all matters relation to older persons. The association will have national, state and district level officers and will choose its own office-bearers. The government will provide financial support to establish the national and state level offices while the district level offices will be established by the association from its own resources, which may be raised through membership subscriptions, donations and other

admissible means. The government will be able to provide financial assistance to the national and state level offices to cover both recurring as well as non-recurring administrative costs for a period of 15 years and thereafter the association is to be expected to be financially self-sufficient.

97 Panchayat Raj institutions will be encouraged to participate in the implementation of the national policy, address local levels issues and needs of the ageing and implement programs for them They will provide forums for discussing concerns of older persons and activities that need to be taken. Such forums will be encouraged at panchayuat, block and district level. They will have adequate representation of older women. Panchayat will mobilize the talents and skills of older persons and draw up plans for utilizing these at the local level. Amongst others, the help of the social justice committees of the village panchayats will be taken to advocate different measures for giving effect to the policy.

98. In order to ensure effective implementation of the policy at different levels, from time to time the help of experts of public administration shall be taken to prepare the details of the organizational setup for the implementation, coordination and monitoring of the policy.

2.5 National Policy on Older persons seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored and marginalized. The National Policy aims to strengthen their legitimate place in society and help older people to live the last phase of their life with purpose dignity and peace. This policy provides a broad framework for inter sectoral collaboration and cooperation both within the government as well as between government and non-government agencies In particular, the policy has identified a number of areas of intervention, financial security, health care and nutrition, shelter, education, welfare, protection of life and property etc. for the wellbeing of older persons in

the country. Amongst others the policy also recognizes the role of the NGO sector in providing user friendly affordable services to complement the endeavours of the State in this direction.

2.6 While recognizing the need for promoting productive ageing the policy also emphasizes the importance of family in providing vital non formally social security for older persons.

2.7 The Implementation Strategy adopted by the Government of India for operationalisation of National policy is as follow;

1. Preparation of plan of faction
2. Setting up of separate Bureau for Older persons in Ministry of Social Justice and Empowerment.
3. Setting up of Directorates of Older persons in the States.
4. Three Yearly public Review of Implementation of policy.
5. Setting up of a National Council for Older persons headed by Minister for Social Justice and Empowerment (representatives from Central Ministries, States, Non-Official members representing NGOs, academic bodies, Media and Experts and Members).
6. Establishment of Autonomous National Association of Older persons.
7. Encouraging the participation of local self Government.

2.7.1 Plan of Action

The Plan of Action 2000-2005 to operationalise the National Policy on Older Persons has been prepared by the Ministry of Social Justice and Empowerment. The initiatives as per this plan are to be implemented by various Ministries. It is a document with endless possibilities, which do not confine or restrict actions for its implementation. It has been circulated to all concerned Ministries/Departments/ Organization for implementation.

An Inter-ministerial Committee has been constituted which will examine monitor the implementation of the

Policy This Committee takes stock of the status and imperatives of its implementation. Similar exercise is underway at the state level through inter-departmental committee. The implementation is publically reviewed every third year.

2.7.2 National Council for Older Persons (NCOP)

A National Council for Older persons (NCOP) under the Chairmanship of Minister for Social Justice and Empowerment has been setup since 1999 by the Government of India to advise and aid The Government on policies and programmers for older persons and also to provide feedback to the Government on the implementation of the National Policy on Older persons as well as on specific programmers initiatives for older persons. The NCOP is the highest body to advice and coordinate with the Government in the formulation and implementation of policy and programmer for the welfare of the aged.

2.7.2.1 The National Council for Older Persons was re-constituted in 2005 The given areas of concern have been emphasized which include:-

- a. Uniform age of 60+ for extending facilities/ benefits to senior citizens;**
- b. Financial security to the elderly population by:**
 - (1) Proposing tax benefits and higher interest rates for senior citizens,
 - (2) Promotion of long term savings in both rural and urban areas,
 - (3) Increased coverage and revision of old age pension schemes for the destitute elderly and,

- (4) Prompt settlement of pension, provident fund, gratuity and other retirement benefits;

C Health care and nutritional needs of the elderly populations by:

- (1) Strengthening of primary health system to enable it to meet the health care needs of older persons;
- (2) Training and orientation to medical and Para medical personnel in health care of the elderly.
- (3) Promotion of the concept of healthy ageing.
- (4) Assistance to societies for production and distribution of material on geriatric care.
- (5) Provision of separate queues and reservation of beds for elderly patients.

d. Food security and shelter by:

- (1) Coverage under the Antyodaya Scheme to be increased with emphasis on provisions for the benefit of older persons especially the destitute and marginalized section.
- (2) Earmarking ten percent of houses/house sites for allotment to older persons.
- (3) Barrier-free environment for the disabled and elderly persons etc.

e. Meeting the education, training and information needs of older persons.

f. Identification of the most vulnerable among the older persons and working for their welfare.

- g. Realizing the crucial role by the media in highlighting the situation of older persons and emphasising their continued role in Society.**
- h. Protection of life and property of the elderly population.**

2.8 For Implementation of National policy on Older persons (NPOP) IV Annual plan of Action 2005-06, regarding crimes against Older persons, Ministry of Home Affairs, Government of India wide its letter dated 24th October, 2005 addressed to Home Secretaries, all State Government/ UT Administrations, has emphasized as follows:

“ 3. Being vulnerable, Older persons often become victims of various crimes in the society. The Annual Plan of Action 2005-06 prepared for the welfare of the older persons, inter alia, include the steps to be taken for providing security of life and property of Older Persons. The relevant extract of the Annual Plan of Action 2005-06 reads as follows:-

- (i) State Governments to be advised to direct the police Departments to pay special attention to the security to the life and property of Older persons and keep a friendly vigil.
- (ii) State Governments to sensitize the police force at the field level, specially SHOs, on the security concern of the elderly.
- (iii) State Governments be advised to formulate a comprehensive Action Plan regarding safety and security of older persons including inter alia, the following action points:
 - “ h Identification of the pockets inhabited by older persons.
 - “ h personal visit to the homes of the older persons.
 - “ h Monitoring and mandatory review of older persons. Cases by senior police officers at the district level.
 - “ h Setting up of help line for the welfare of older persons.

4. The Police and public order are State subjects and, therefore, it is the primarily the responsibility of the State Governments/ UT Administrations to take action for prevention and control of crimes including crimes against Older Persons. It is, therefore, requested that necessary action may be taken by the State Governments/UT Administrations on the above Action plan for the Year 2005-06 and a report be provided to the undersigned for information on this Ministry.”

2.9 Government of India launched a National Social Assistance Program (NSAP) having three components (1) The National Old Age Pension Scheme (NOAPS), (2) The National Family Benefit Scheme (NFBS) and (3) The National Maternity Benefit Scheme (NMBS). It came into effect on 15-08-1995 as a wholly Centrally funded programs to give financial assistance to families with little or no regular means of subsistence living below the poverty line. Under National Old Age Pension Scheme (NOAPS), Rs. 75 per month was given to destitute persons of 65 years and above From April 1, 2006 the National Old Age Pension Scheme increased from Rs. 75 to 200 per beneficiably per month for destitute persons of the age of 65 and above. From November, 2007 the National Old Age Pension Scheme (NOAPS), has been extended to all the persons above the age of 65 years whose name is included in Below Poverty Line Scheme in 2002.

2.10 National Policy on Older Persons (NPOP) Review Committee Meeting was held under the chairmanship of Dr. Mohini Giri on 17th June, 2010 at National Institute of Social Defence, New Delhi, which has made the following recommendations:-

1. Health Care:-

- i) Since health care need increases and income decrease with old age, senior citizens may be offered a 50% discount on all Pathological/radiological tests in Govt. as well as Jt. Sector Hospitals (if not in private nursing homes/ labs).
- ii) Special health care monitoring cells may be available at all district hospitals for elderly women.
- iii) 50% concessional bed charge at all Govt. and Jt. Sector Hospitals for senior citizens irrespective of categories likes Below poverty Line and Above Poverty Line.

2. Shelter:

- i) Aged Persons irrespective of gender may be allotted priority in allotment of land / houses for BPL/ MIG categories.
- ii) Group Housing Schemes may be encouraged for Senior Citizens both in private and public sector since many aged couples may suffer from the empty nest syndrome and would like to find companionship, security and solace in peer Company.
- iii) Reverse mortgage scheme which is yet to find acceptance among institutional finance bodies, would need aggressive promotion.

3. Social Security:

- i) The National Pension Scheme should be augmented to a level that allows an indigent older person not only mere sustenance but also need medicines, diagnostic test etc.
- ii) This pension should have a sub-category offering a higher rate for older persons suffering from terminal diseases.
- iii) Free legal advice may be offered to elderly through State Legal Aid Services, irrespective of economic criteria.

2.11 Following policies / schemes of Government of India are also underway:-

2.11.1 **The Integrated Programmers for Older Persons** is a scheme that provides financial assistance up to 90 per of the project cost to non-governmental organizations or NGOs, as on March 31, 2007 This money is used is used to establish and maintain old age homes, day care centers, mobile Medicare units and to provide non-institutional services to older persons. The scheme also works towards other needs of older persons such as reinforcing and strengthening the family, generation of awareness on related issues and facilitating productive ageing.

2.11.2 **Scheme of Assistance to Panchayati Raj Institutions** voluntary organizations and self help groups for the construction of old age homes and multi service centres for older persons This scheme provides a one time construction grant.

2.11.3 **Central Government Health Scheme** Provides pensioners of central government offices the facility to obtain medicines for chronic ailments up to three months at a stretch

2.11.4. **The National Mental Health Programmers'** focuses on the needs of senior citizens who are affected with Alzheimer's and other dementias, Parkinson's depression and psycho geriatric disorders.

2.12 New Schemes

The Central Government is in the process of developing newer plans and Schemes to benefit senior citizens. In the 2007-08 Budget, the Finance Minister has proposed to provide monthly income to seniors and develop new health insurance schemes.

For the benefit of senior citizens it has been proposed that-

- The National Housing Bank will introduce a 'reverse mortgage' scheme under which a senior citizen who owns a house can avail of a monthly stream of income against mortgage of the house. The senior citizen remains the owner and occupies the house throughout his or her lifetime, without repayment or servicing of the loan. Regulations to be put in place to allow creation of mortgage guarantee companies.
- An exclusive health insurance scheme for senior citizens is to be offered by the National Insurance Company. Three other public sector insurance companies as mentioned in the Medical Insurance section, are to offer a similar product to senior citizens.

These developments for senior citizens are meant to get them on the path to a better, peaceful and financially sound life.

CHAPTER – III

EFFORTS BY THE STATE OF UTTAR PRADESH

3.1 Over the years, the State of Uttar Pradesh has also launched various schemes and policies for older persons. These scheme and Polices are meant to promote the health, well-being, social security and independence of senior citizens in the State of Uttar Pradesh. To know the exact policies/ Programmers'/ schemes and related laws which are being followed by the State Government for the betterment of older persons and supply of copies thereof, a letter No रा0वि0आ0/893/2010 दिनांक 07 अगस्त, 2010 was written by the Secretary of the Commission to the Principle Secretary and Director, Department of Social Welfare, Government of Uttar Pradesh, but no written response is made by the authorities concerned, however certain Government Orders and book-lets published by the Social Welfare Department, Government of Uttar Pradesh and its Directorates, under the titles, उ0 प्र0 शासन समाज कल्याण विभाग, वर्ष 2010–2011 का कार्यपूर्ति दिग्दर्शक आय–व्ययक (परफार्मेंन्स बजट), समाज कल्याण विभाग, उत्तर प्रदेश द्वारा संचालित प्रमुख योजनाओं का संक्षिप्त विवरण (निदेशालय समाज कल्याण उ0 प्र0) एवं महिला कल्याण तथा बाल विकास सेवा एवं पुष्टाहार उ0प्र0 लखनऊ, की ओर से प्रकाशित कार्यपूर्ति दिग्दर्श, आय–व्ययक वर्ष 2009–2010 , have been obtained from the concerned department/ offices, from which transpire that different programmers/ polices/ schemes for older persons are being carried out by the State Government, Some of these programmers/ polices/ schemes have been enumerated below:-

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उ0प्र0 सरकार द्वारा पोषित समाज कल्याण विभाग के माध्यम से संचालित वृद्धावस्था पेंशन योजना 60 वर्ष से 64 तक आयु के ऐसे निर्धन निराश्रित वृद्धजनों को वृद्धावस्था पेंशन अनुमन्य है, जो बी0पी0एल0 का मानक पूर्ण करते है। इसके अन्तर्गत राज्य सरकार द्वारा अपने संसाधनों से रू0 300/- मासिक वृद्धावस्था पेंशन दी जाती है। 60 वर्ष से 64 वर्ष तक की आयु वर्ग के पेंशनरों को दी जाने वाली पेंशन वृद्धावस्था /किसान पेंशन योजना कहलाती है।

3-1-2- बृद्धावस्था पेंशन योजना; 65 वर्ष से अधिक आयु के व्यक्तियों को जो बीपीएल का मानक पूर्ण करते हैं, को 200 रुपए/मासिक भारत सरकार द्वारा तथा 100 रुपए/मासिक राज्य सरकार द्वारा कुल 300 रुपए/मासिक पेंशन दी जाती है। भारत सरकार के अंश की पूर्ति सीधे राज्य सरकार को की जाती है। 65 वर्ष या उससे अधिक उम्र के पेंशनरों को दी जाने वाली पेंशन इन्दिरा गांधी राष्ट्रीय वृद्धावस्था पेंशन कहलाती है।

शासन द्वारा बीपीएल का मानक इस प्रकार निर्धारित किया गया है:-

‘ग्रामीण क्षेत्र में लाभार्थियों को चिन्हित करने हेतु बीपीएल की वह सूची मान्य होगी जो राज्य सरकार द्वारा बीपीएल जनगणना, 2002 के आधार पर ग्रामीण विकास मंत्रालय भारत सरकार द्वारा निर्दिष्ट की गयी है। शहरी क्षेत्र में लाभार्थियों को चयनित करने के लिए नगरीय विकास एवं गरीबी निवारण मंत्रालय, भारत सरकार द्वारा निर्दिष्ट बीपीएल का मानक अपनाया जायेगा।

वर्ष 2009-10 में वृद्धावस्था पेंशन योजना के अन्तर्गत कुल 139184.373 लाख की धनराशि पेंशन के रूप में व्यय की गयी, जिसमें 60 से 64 वर्ष तक के पेंशनरों की संख्या 657252 तथा 65 वर्ष या उससे अधिक आयु वर्ग के पेंशनरों की संख्या 3269801 थी। इस प्रकार कुल 3827053 पेंशनर्स थे।

वर्ष 2009-10 में शासन द्वर वृद्धावस्था पेंशन योजना का कम्प्यूटरीकरण कराया ज चुका है। जिसके अनुसार एनआईसी लखनऊ द्वारा तैयार किये गये साफ्टवेयर के आधार पर पेंशनर्स का डाटा प्रोसेस कराकर जनित मांग के अनुसार जनपद की कुल धनराशि इस हेतु खोले गए जिलाधिकारी के नेशनल खाते में निदेशालय स्तर से भारतीय स्टेट बैंक, जवाहर भवन, लखनऊ की मुख्य शाखा के माध्यम से भिजवाई जाती है, जहाँ से पेंशनरों के खते में धनराशि स्थानान्तरित की जाती है।

वर्ष 2010-11 में 3827053 पेंशनरों को पेंशन दिये जाने का लक्ष्य रखा गया है, जिस पर 137773.908 लाख की वित्तीय आवश्यकता बनती है। पेंशन योजन में आय-व्ययक में वृद्धावस्था पेंशन योजनान्तर्गत 150001.23 लाख की धनराशि आयोजनागत पक्ष में एवं 1359.19 लाख की धनराशि आयोजनेत्तर पक्ष में व्यवस्था है। इस प्रकार कुल 161360.42 लाख की व्यवस्था है।

3-1-3 गरीबी रेखा के नीचे जीवन-यापन करने वाले परिवारों के मुख्य जीविकोपार्जन सदस्य की मृत्यु हो जाने पर जिसकी उम्र 18 से 64 वर्ष की रही हो, परिवार को एकमुश्त 20,000 रुपए/मासिक की सहायता दिये जाने का प्रावधान

इस योजनान्तर्गत गरीबी रेखा के नीचे जीवन-यापन करने वाले परिवारों के मुख्य जीविकोपार्जन सदस्य की मृत्यु हो जाने पर जिसकी उम्र 18 से 64 वर्ष की रही हो, परिवार को एकमुश्त 20,000 रुपए/मासिक की सहायता दिये जाने का प्रावधान

है। गरीबी रेखा का तात्पर्य नगरीय क्षेत्र में ₹0 25546/- वार्षिक आय तथा ग्रामीण क्षेत्र में ₹0 19884/- वार्षिक आय से है।

इस योजना में भारत सरकार द्वारा ₹0 10,000/- की आर्थिक सहायता प्रति परिवार दी जाती है। ₹0 10,000/- की आर्थिक साहयहत राज्य सरकार अपने स्रोतों से देती है। सामान्यतया मृत्यु के 02 माह की अवधि में ग्राम प्रचायत अधिकारी को पात्र लाभार्थी का आवेदन पत्र भरकर जिला समाज कल्याण अधिकारी के कार्यालय में जमा करने की अवधि निर्धारित की गयी है, परन्तु यदि किसी कारणवश लाभार्थी आवेदन नहीं कर पाया है, तो वह मृत्यु के दिन से एक वर्ष के अन्दर आवेदन पत्र भरकर जिलाधिकारी/मुख्य विकास अधिकारी अथवा जिला समाज कल्याण अधिकारी कार्यालय में जमा करा सकता है।

इस योजना में गत वर्ष ₹0 20000.40 लाख की धनराशि व्यय कर 100002 लाभार्थियों को लाभान्वित किया गया है। वित्तीय वर्ष 2010-2011 के आय-व्ययक में इस योजनान्तर्गत ₹0 25000.00 लाख का बजट प्राविधान किया गया है।

इस योजना में लाभार्थियों को तत्काल सहायता राशि प्राप्त कराये जाने हेतु टी0आर0-27 के अन्तर्गत भी धनराशि आहरित कर भुगतान की व्यवस्था है, ताकि परिवार के समक्ष भुखमरी एवं शोषण की समस्या उत्पन्न न होने पाये। सहायता राशि 30 दिन के अन्दर लाभार्थी के खाते में भेजे जाने की व्यवस्था है।

इस योजना में गत वर्ष 10000.20 लाख की धनराशि अतिरिक्त केन्द्रीय सहायता के रूप में प्राप्त हुई है।

3-1-4 म0 i0 ed; eq-h egkek; kk xjhc vkfFkd enn ; kst uk

उक्त योजनान्तर्गत ऐसे परिवारों को लाभान्वित किये जाने का लक्ष्य है, जो गरीबी की रेखा से नीचे जीविकोपार्जन कर रहे हैं, परन्तु उन्हें बी.पी0एल0 योजना, अन्त्योदय योजना या किसी भी पेंशन का लाभ नहीं मिल पाया है। इस योजना के प्रथम चरण में 30 लाख लाभार्थियों को लाभान्वित किया जाना है।

उक्त योजनान्तर्गत लाभार्थी को ₹0 300/- की धनराशि प्रति माह की दर से 02 छमाही किश्तों में लाभार्थी के राष्ट्रीयकृत बैंक में खुले खाते के माध्यम से देय है।

इस योजना में वित्तीय वर्ष 2010-11 के आय-व्ययक में ₹0 40200.00 लाख का बजट प्राविधान किया गया है। यह योजना वर्ष 2010-2011 से ही प्रारम्भ की गयी है। योजना में लाभार्थियों के चिन्हीकरण एवं सर्वेक्षण हेतु प्रति जनपद ₹0 5.00 लाख की दर से ₹0 355.00 लाख की धनराशि जनपद के जिलाधिकारियों को दी गयी है।

यह योजना दिनांक 01.11.2010 से लागू कर दी गयी है।

3-1-5- o) , oa v kDr x'gka dk l pkyu

स्माज कल्याण विभाग द्वारा इस योजना के अन्तर्गत प्रदेश में पुरुषों हेतु लखनऊ जनपद में 50 वृद्धों की क्षमता वाले एक निराश्रित वृद्ध/ अशक्त गृह का संचालन तथा महिलाओं के लिए जनपद वाराणसी में एक गृह का संचालन किया जा रहा है, जिनमें संवासियों को निः शुल्क आवास व भोजन आदि की सुविधा सुलभ करायी जाती है।

60 वर्ष से अधिक आयु वर्ग के वृद्ध व्यक्तियों को आवासीयसुविधा तथा दैनिक जीवन निर्वहन हेतु एक अप्रैल 1999 से रू0 550/- प्रतिमाह भरण-पोषण भत्ता दिया जाता है। शासनादेश संख्या-1305/26-2-2009-100(4)/07 दिनांक 14-5-2009 द्वारा एक राजकीय वृद्ध एवं अशक्त गृह वाराणसी (महिला) निदेशक, महिला कल्याण विभाग उत्तर प्रदेश को मयपरिसम्पत्तियों के साथ हस्तान्तरित कर दिया गया है। इनके संचालन हेतु वित्तीय वर्ष 2010-11 में रू0 39.57 लाख का प्राविधान है।

3-2 efgyk dY; k.k foHkx }kjk efgykvka ds l x/k ea l pkyfyr , oa Hkkoh ; kst uk, a

3-2-1 ifr dh eR; ij kUr fujkfJr efgykvka dks l gk; d vuqnu &

इस योजनान्तर्गत निराश्रित महिला जिनके पति की मृत्यु हो गयी है तथा गरीबी रेखा के नीचे है और जिनकी वार्षिक आय शहरी क्षेत्र में रू0 25546/- तथा ग्रामीण क्षेत्र में रू0 19884/- है जिनके बच्चे नाबालिग है अथवा बालिग होने के आवजूद भरण-पोषण करने में असमर्थ है, को रू0 300/- प्रति माह की दर से अनुदान दिया जाता है।

शहरी क्षेत्र में तहसील स्तर पर ग्रामीण क्षेत्र में योजना ग्राम पंचायतों के माध्यम से क्रियान्वित है, जिसमें ग्रामीण क्षेत्रों में रहने वाली पात्र महिलाओं की पेंशन स्वीकृति ग्राम पंचायत की खुली बैठक में किए जाने की व्यवस्था है तथा शहरी क्षेत्र में रहने वाली पात्र महिलाओं की पेंशन जिला प्रोबेशन अधिकारी की संस्तुति से जिलाधिकारी द्वारा स्वीकृति की व्यवस्था है। आवेदन-पत्र जिला प्रोबेशन अधिकारी, खण्ड विकास अधिकारी तथा बहुउद्देशीय कर्मियों के पास उपलब्ध होते हैं।

3-2-2 i fr dh eR; q ds mi j kUr fujkfJr efgykvk dh i f=; k ds fookg grq vuqku

योजना के अन्तर्गत पति की मृत्यु के उपरान्त निराश्रित महिला पेंशन प्राप्त कर रही महिलाओं की पुत्रियों के विवाह हेतु एक मुश्त रू0 10 हजार सहायता/अनुदान दिया जाता है।

3-2-3 fi z nf kLuh ; kst uk%&

अन्तर्राष्ट्रीय कृषि विकास कोष की इस परियोजना का क्रियान्वयन महिला कल्याणनिगम के माध्यम से प्रदेश के चार जनपद बहराइच, श्रावस्ती, रायबरेली एवं सुल्तानपुर के दो-दो विकास खण्डों में प्रस्तावित है। परियोजना की कुल लागत रू0 148/- करोड़ एवं परियोजना अवधि आठ वर्ष हैं योजनान्तर्गत महिलाओं के स्वयं सहायतासमूहों का गठन कर सर्वांगीण विकास का लक्ष्य है।

योजना का क्रियान्वयन भारत सरकार से स्वीकृत मिलने के उपरान्त निगम द्वारा किया जायेगा।

3-2-4 o) efgyk vkJe

मा0 मुख्यमंत्री महोदया की घोषणाओं के क्रम में अकेली असहाय एवं अपने को असुरक्षित महसूस करने वाली तथा जिनकी कोई देखभाल करने वाला नहीं है ऐसी 100 महिलाओं हेतु वाराणसी इलाहाबाद एवं कानपुर पर आश्रम संचालन प्रस्तावित है, जो कि किराये के भवन में भोजन आवश्यक वस्तुएं औषधि पानी बिजली सहित समस्त सुविधा युक्त वृद्ध आश्रय मण्डल मुख्यालय पर होगा जिसमें रू0 36-43 लाख वार्षिक प्रति आवास व्यय अनुमान है। इस प्रकार तीन आश्रमों पर कुल रू0 1.09 करोड़ व्यय आयेगा। यह आश्रम प्रतिष्ठित स्वैच्छिक संगठनों के एवं स्थानीय प्रशासन के सहयोग से संचालित किए जायेंगे।

वृद्ध महिलाओं हेतु प्रथम चरण में वित्तीय वर्ष 2008-09 में तीन मण्डल मुख्यालय पर वृद्ध असहाय विधवा एवं परित्यागता महिलाओं हेतु वृद्ध महिला आश्रम का संचालन किया जाना प्रस्तावित है। जो कि मण्डल आगामी वर्षों में चरणबद्ध एवं समयवद्ध संचालित किए जायेंगे। योजना क्रियान्वयन हेतु स्वैच्छिक संगठनों का चयन प्रक्रिया अन्तर्गत है।

3-2-5 jkstxkjijd if k{k.k%&

मा0 मुख्यमंत्री महोदया की घोषणाओं के क्रम में विकास खण्ड स्तर पर सामाजिक एवं आर्थिक रूप से कमजोर महिलाओं को पारम्परिक/ गैर मारम्परिक ट्रेड्स में निः शुल्क प्रशिक्षण प्रदान किया जाना है।

यह योजना चरणबद्ध रूप से प्रदेश के समस्त जनपदों के 820 विकास खण्डों में संचालन प्रस्तावित है। प्रथम चरण में 13 जिलों के 151 विकास खण्डों को आच्छादित किया गया है। परियोजनाकी कुल लागत रू० 51.75 करोड़ तथा कुल लाभार्थी 98400 होंगे।

योजना स्वैच्छिक संगठनों के माध्यम से स्थानीय सी०डी०पी०ओ०/बी०डी०ओ० नोडल अधिकारी की देखरेख में महिलाओं को पारम्परिक एवं अपारम्परिक ट्रेड्स में प्रशिक्षण तथा मानदेय एवं टूल किट दिया जायेगा। योजनाक्रियान्वयन हेतु स्वैच्छिक संगठनों के चयन का कार्य प्रक्रिया अन्तर्गत है।

- 3.3 It shows that the State Government with other schemes has also launched various aforesaid schemes and policies for older and destitute persons in the state for their betterment.

CHAPTER-IV

International efforts on ageing

4.1 Interest in the subject of ageing of population is of very recent origin and it still needs research and understanding of the issue and their interrelationship. International community first debated the question of ageing at the United Nations General Assembly, at the initiative of Argentina, in 1948 which referred it to the Economic & Social Council (ECOSOC). ECOSOC requested it to the Secretary-General to draft a report on the matter, and in 1950 he submitted a report entitled “Welfare of the Aged: Old Age Rights”. However, the rapid change in the world’s population structure was not evident in 1950, and an interval of 20 years elapsed before Malta tabled another initiative on the agenda of the General Assembly in 1969. In recognizing that longevity was becoming one of the major changes of the 20th century, this initiative was followed throughout the 1970s and led the United Nations to convene the World Assembly on Ageing in Vienna in 1982. That same year the United Nations General Assembly endorsed the International Plan of Action on Ageing.

4.2 In 1973, the General Assembly considered a comprehensive report that noted the demographic increase in the absolute and relative size of the older populations of the world (a trend that was expected to continue because of medical advances and decreases in birth and death rates) and estimated that the number of persons 60 years of age or over throughout the world would double between 1970 and the year 2000. The General Assembly recommended guidelines to governments in formulating policies for the elderly, including development of programs for the welfare, health, and protection of older people and for their retraining in accordance with their needs, in order to maximize their economic independence and their social integration with other segments of the population.

4.3 In 1978, the General Assembly decided to convene a world assembly for the purpose of launching “as well as opportunities for them to contribute to national development. The General Assembly later decided that the conference should also consider the interrelated issue of the aging of whole populations.

4.4 The World Assembly on ageing, held in Vienna from 26th July to 6th August, 1982, was attended by representatives of more than 120 countries. It adopted an international plan of action, both to help the aging as individuals and to deal with the long-term social and economic effects of ageing populations. Recommendations contained in the plan of action covered.

(1) The need to help the elderly lead independent lives in their own family and community for as long as possible, instead of being excluded and cut off from all activities of society;

(2) The importance of giving the elderly a choice regard to the kind of health care they receive and the importance of preventive care, including nutrition and exercise;

(3) The need to provide support services to assist families, particularly low-income families, to continue to care for elderly relatives; and

(4) The need to provide social- security schemes, to assist the elderly in finding (or returning to) employment, and to provide appropriate housing. The plan of action also included recommendations for meeting the needs of particularly vulnerable persons, such as elderly refugees and migrant workers.

4.5 The commission for Social development, which is entrusted with reviewing implementation of the plan of action every four years, noted in 1985 that by the year 2025, more than 70% of

Persons over 60 years of age would live in developing countries. In 2025, experts estimate that the elderly population of the world will number 1.2 billion, six times more than the 200 million elderly worldwide in 1950. The Commission listed priorities for action, including the creation of national committees on ageing, coordinated planning, strengthening of information exchange, training, research, and education programs.

4.6 In 1988, the UN established the International Institute on Ageing in Valetta, Malta, to conduct training. Research, collection and publication of data, and technical cooperation in the field of aging.

4.7 In 1990, the General Assembly designated 1 October as the International Day for the Elderly.

4.8 In 1991, the General Assembly adopted a set 18 United Nations “Principles for Older Persons “ to ensure that priority attention will be given to the situation of Older persons, clustered under five themes: independence, participation, care, self – fulfillment, and dignity of the elderly, as follows-

4.8.1 Independence

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
2. Older persons should have the opportunity to work or to have access to other income generating opportunities.
3. Older persons should be able to participate in determining when and at what pace withdrawal from the labor force takes place.
4. Older persons should have access to appropriate educational and training programmes.

5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.
6. Older persons should be able to reside at home for as long as possible.

4.8.2 Participation

7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.
9. Older persons should be able to form movements or associations of older persons.

4.8.3. Care

10. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.
11. Older persons should be able to regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
12. Older persons should have access to social and legal services to enhance their autonomy, protection and care.
13. Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.
14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their and the quality of their lives.

4.8.4 Self-fulfillment

15. Older persons should be able to pursue opportunities for the full development of their potential.
16. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

4.8.5 Dignity

17. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.
18. Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

“People are created to give something back to the world. The best way to solve problems is to work together with compassion towards betterment of human life through helping improve the quality of all individuals.”

4.9 The principles mandate that older persons should have the opportunity to work and to determine when to leave the work force, remain integrated in society and participate actively in the formation of policies that affect them, have access to health care to help them maintain the optimum level of physical, mental, and emotional well-being, be able to pursue opportunities for their full development, and be able to live in dignity and security.

4.10 In 1992, the General Assembly gave its patronage to the privately-created banyan Fund Association’s World Fund for Ageing. In Torcy, France, which assists developing countries, at their request, in activities aimed at formulating and implementing policies and programs on ageing. Also in 1992, the General Assembly devoted four special plenary meetings in October to a conference on aging. It issued a Proclamation on Ageing (resolution A/47/5), which reaffirmed its previous

resolutions and established the year 1999 as the International Year of the Elderly “ in recognition of Humanity’s demographic coming of age and the promise it holds for maturing attitudes and capabilities in social, economic, cultural and spiritual undertakings, not least for global peace and development in the next century.” In its Resolution 47/86. The general Assembly adopted a set of global targets on aging for the year 2001 as a practical strategy for countries to provide for the needs of the elderly.

4.11 On 5 October 2000, the UN held a 10th Annual Celebration of the International Day of Older Persons, sponsored by the UN/NGO Committee on Ageing in collaboration with the UN Department of Public Information and the UN Department of Economic and social Affairs The Conference raised the issue of interdependence between generations.

4.12 The Second World Assembly on Ageing was held in Madrid, Spain from 8-12 April, 2002 that assemble adopted the Madrid International Plan of Action on Ageing (MIPAA) MIPAA calls for the need to integrate the evolving process of global ageing within the larger process of development. The MIPAA focuses on:

- Reducing poverty, with the aim to halve the number of older people living in extreme poverty by 2015,
- Addressing social and health care issues, and
- Introducing anti-discriminatory legislation for Older People.

4.13 The Madrid Plan contains 117 paragraphs and is divide into the three sections “Introduction” “Recommendations” and Implementation” The recommendations contain three main headings entitled “Older Persons and Development” Well-Being into Old Age” and “Ensuring, Enabling” Supportive Environments, Under these three headings are sub-grouped central themes in the

Form of Issues, Objectives and Actions. Specific issues on older persons in MIPAA include.

A: Older Persons and Development

Issue-1: Active participation in society and development

Issue-2: Work and the ageing labour force

Issue-3: Rural development, migration and urbanization

Issue-4: Access to knowledge, education and training

Issue-5: Intergenerational solidarity

Issue-6: Eradication of poverty

Issue-7: Income security, social protection/social security and poverty Prevention .

Issue-8: Emergency situation

B: Advancing health and well-being into old age

Issue-1: Health Promotion and well-being throughout life

Issue-2: Universal and equal access to health-care services

Issue-3: Older persons and HIV/AIDS

Issue-4: Training of care providers and health professionals

Issue-5: Mental Health needs of older persons

Issue-6: Older persons and disabilities

C: Ensuring enabling and supportive environments

Issue-1: Housing and the living environment

Issue-2: Care and support for caregivers

Issue-3: Neglect, abuse and violence

Issue-4: Images of ageing

4.14 The documents conclude with proposal for a sustainable implementation of its objective, which includes the role of research and national international requirements. The document as a whole has a holistic approach and also takes up the UN concept of “ Building a Society for all Ages” as one of its central themes. Major conferences such as the population

Conference in Cairo, the Social Development Conference in Copenhagen and the Beijing Women's Conference and their follow-ups are also reflected in the text. Particular attention was given to the situation in developing countries, where the process of demographic change often occurs at an extraordinarily rapid pace. Because of the sometimes less favourable conditions prevailing in the countries affected, the changes in population structure can require swift reaction. In the Political Declaration accompanying the Plan, the United Nations have once more summarized the main areas of emphasis and incorporated these in the form of a moral undertaking for member countries.

4.15 In response to the Second World Assembly on Ageing, the African Union Heads of States and Governments adopted in July, 2002 the African Union Policy Framework and Plan of Action on Ageing. It provides recommendations on how to improve the quality of life and conditions of elderly people in the areas: the right of older people, health, poverty, food and nutrition, housing and living environment, the family, social welfare, employment and income security, and education and training.

4.16 A series of international conferences on ageing, such as the International Federation on Ageing's Sixth and Seventh Global Conferences (Perth, Australia, 27-30 October, 2002 and Singapore, 4-7 September 2004, respectively) and the XVIII World Congress of Gerontology (Rio de Janeiro, Brazil, 26-30 June, 2005), have adopted the active ageing conceptual approach with its three pillars of health, participation and security in their respective agendas. WHO has taken an advisory role in international as well as in national research projects on active ageing, such as those sponsored by the European Commission.

4.17 In March, 2006, a regional conference for East and South Africa on cash transfers as a social protection instrument took place in Livingstone, Zambia. The resulting Livingstone Declaration, calls for African Governments to put together

Coasted national cash transfer plans within three years that are integrated within national development plans and within national budget and that developments partners can supplement.

4.18 Despite all recent achievements, we are moving too slowly and doing too little to address the challenges and opportunities of population ageing.

4.19 At a conference held in September 2007, the UN global Focal Point on Ageing stated that “in spite of various new initiatives around the world, the prevailing policy landscape remains unchanged: while awareness continues to grow, policy responses are lagging behind the needs of an ageing society ”

4.20 There appear to be four main reasons for this state of affairs:

1. Many countries report lack of funding as the main reason behind their limited action on ageing. In national debates on budgetary allocations, ageing-related matters often have to compete for scarce resources with issues related to other population group (children youth, women, etc.) typically end up marginalized.
2. The second major reason is the low priority of age-related concerns, particularly in countries where the proportion of the ageing population is still relatively small. However, such a stance is not only discriminatory and ethically problematic but also short sighted, because population ageing will continue for many decades to come.
3. The third reason could be linked to weak national infrastructure on ageing, particularly in developing countries. The majority of poorer do not have a well-defined political body to manage ageing issues, and many politicians lack expertise in policy-making in this field.

4. Furthermore, international dialogue and action on ageing is fragmented and its main dimensions-research policy development and local programmers are evolving in isolation.

4.21 It also does not help that ageing and older persons are practically absent from the international developmental debate and action. For instance, the most prominent UN document on development, the Millennium Declaration, does not make any reference to ageing among its eight UN Millennium Development goals. Thus, it is not surprising that most policy-makers continue to think of ageing primarily in humanitarian terms, while ignoring its developmental implications and potential.

4.22 The five year review of the Madrid International plan of Action report presented at the 48th Session of the United Nations Commission on Social Development in 2008 reported some progress in meeting the action goals. However, implementation shortcomings including limited participation of older people in government planning were also identified. Results from the first five years of the MIPAA suggest that social workers need to intensify their efforts to partner with governments in order to foster the participation of older adults in the planning implementation and evaluation of ageing policies and programs. The International Federation of Social Workers (IFSW) has incorporated this recommendation into its Policy on Ageing and Older Persons (2009).

4.23 IFSW has also recognized the need to strengthen the social work role in meeting the bio psychosocial needs of the growing older population worldwide in the current and coming decades. This will require the expansion of gerontological education in social work to provide more knowledge and skills in working with older adults. It also will require recruitment and retention of social workers with a commitment to the field of aging. Finally, it will necessitate more research and knowledge building for evidence based practice with older people.

4.24 Clearly, a number of challenges remain in ensuring enabling and supportive environments for older people around the globe. The social work role in providing psychosocial and respite support for family caregivers will need to be enhanced and supported. More neighbourhood and community building programs for senior citizens will require the involvement of social workers with community organizing skills. Action combating elder abuse will necessitate advocacy for preventive legislation and intervention to protect victims.

4.25 Social work is an essential profession in meeting the challenges of a graying globe. More attention must be given to preparation for the numerous roles. Effective social intervention by social workers at both the micro and macro levels of social work practice will depend on increased emphasis of the field of aging in social work training and research.

4.26 On 1st October, 2010, the United Nations held a 20th celebration of International Day for Older People. On the occasion older people and supporters from around the world had joined together under the banner of Age Demand Action (ADA)- a global campaign calling for recognition and support of Older People's vital contribution to society. They joined groups organisation of Older People worldwide to press the Government Officials and legislates to take action on the issues and concerns affecting Older People. On this occasion the United Nations High Commissioner for Human Rights, Navi Pillay, said: "Millions of older people around the world face unequal treatment or denial of their human rights. Particularly in relation to their right to personal security, health, social security, and adequate standard of living. We must all accept the inevitability of ageing. **What we must not accept is that old age brings with it lesser access to the full range of human rights.** In the last two decades the global population profile has changed more than at any time in history. One in every ten people is now aged 60 or more. By 2050, that figure will rise to one in five. This radical demographic shift has caught many policymakers of guard. Not very long ago, the issue of ageing.

Was considered a matter importance only a handful of countries, but statistics now show that every country is concerned As a result of their invisibility, the human rights of older persons are often neglected. Many older persons are unemployed and abandoned, many others face violence and abuse by relatives or caregivers which in its cruelest forms can amount to torture. Older women are among the most vulberable, some of them homeless or without a right to inherit from their families, husbands or children. The human rights community has also been slow in realizing that the global agenda can no longer ignore the rights of older persons. Pillay called on Governments to introduce social pension schemes for older people and to adopt adequate measures in such areas as housing, health, transport, access to water and personal security to ensure that they are not discriminated against or left unprotected and that they enjoy an adequate standard of living. In her message, the High Commissioner also encouraged civil society organizations to become more active on the rights of older people ” Every, one us must prepare for old age,” Older people are assets to society and can contribute significantly to the development process if given the opportunity. As such, they need to be empowered their participation ensured, she said.

CHAPTER-V

STATE REQUIRES A SEAPARATE LEGISLATION

5.1 As stated earlier Parliament has enacted “**The Maintenance and Welfare of Parents Senior Citizens Act, 2007**”(Act No. 56 of 2007) Sub-Section (3) of Section 1 of the Act provides that “It shall come into force in a state on such date as the State Government may, by notification in the official gazette, appoint.” It has been enacted for the welfare of parents and senior citizens in pursuance of the provisions of Article 41 read with Entry 23 of the Concurrent List of Seventh Schedule of the Constitution of India.

5.2 Article 41 is under Directive Principles of State Policy of the Constitution of India, which is not enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be duty of the state to apply these principles in making laws.

5.3 Entry 23 of the Concurrent List of the Seventh Schedule provides “Social security and social insurance, employment and unemployment.”

5.4 For making of laws, Article 246 of the Constitution of India is relevant to refer here It runs as follows:-

“246 Subject-matter of laws made by Parliament and by the Legislatures of States-

1. Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “ Union List)”
2. Notwithstanding anything in clause (3), Parliament, and, subject to clause (1) the Legislature of any State also, have

- (4) Power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the Concurrent List).
- (5) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the State List).

5.5 It means Parliament has power to make laws with respect to any of the matters enumerated in List III- Concurrent List in the Seventh Schedule, but it has to be adopted by the State Government as also provided in the Central Act itself, and it does not prohibit the Legislature of any State to make laws with respect of any of the matter enumerated in List III- Concurrent List in the Seventh Schedule, but under Article 254 (2) of the Constitution of India, it requires assent of the President of India, thereafter it shall prevail in the State.

5.6 Now the question arise why separate legislation for State is needed while Parliament has already enacted the aforesaid Act.

5.7 So far State Government has not adopted the aforesaid Act, as per Central Act itself it shall not be effective in the State automatically, till is not adopted by the State Government.

5.8 Commission is of view that following strong reasons are there to enact a separate legislation by the Legislature of State:-

1. Central Act only covers the Maintenance and Welfare of Parents and Senior Citizens while proposed legislation also covers the Grand-parents and Dependants.

2. Under the Central legislation State Government has to constitute Tribunals for adjudicating and deciding upon the order for maintenance and Appellate Tribunals to hear the appeal against the order of the Tribunals and establishment of old age homes for senior citizens who are indigent, in every district of the state is one of the objective of the Central Act, to provide grants –in-aid for setting up of Tribunals and Appellate Tribunals and for creation of related infrastructure and for the establishment and management of the old age homes by the Parliament. It means State Government has to bear the all above expenses. Under these circumstances it will be better for the State Government to enact its own legislation.
3. Under Central Act no time limit is fixed for setting up Appellate Tribunals by the State Government, while in the proposed legislation a period of six month, from the date of commencement of the Act, has been fixed.
4. Under Central Act. Appellate Tribunals will be presided over by the District Magistrate, who is already busy in district administrative functioning, while in the proposed legislation it will be presided over by the District judge.
5. Under the Central Act each and every order of the Tribunals is appealable while in the proposed legislation except as provided in this section the decision of the Maintenance Tribunals shall be final. However, from the decision of the Tribunal an appeal may be filed upon any question of law or of mixed law and fact.
6. Proposed legislation provides that old age homes may be setup close to orphanages. It further provides that State Government shall setup

7. Recreation centre for senior citizens living in the old age home for their entertainment, while these provisions are not there in the Central Act.
8. Proposed legislation provides that the private hospital who have been provided land on concessional rates/ free of cost or other facilities for construction of hospital by the State Government, shall reserve some beds for senior citizens and shall also give concession towards consultation and treatment to them. It further provides that all senior citizens shall be covered under Group Health Insurance. The doctors working in a government hospital to conduct medical camps in rural and far flung areas and Mobile Medicare Unit Programs may be implemented at the door steps for the elderly persons, while these provisions are lacking in the Central Act.
9. Proposed legislation provides to establish senior citizens service and information centres in each district. It further provides to setup a helpline, counseling centres etc, to receive and process the representation/ petitions of older persons and to cater to the emotional needs of the senior citizens and widowed women, but these provisions are not there in the Central Act.
10. Proposed legislation provides that the State Government shall introduce and implement an old age pension scheme to such senior citizens having no sufficient means for their livelihood and are resident in the State of Uttar Pradesh, while this provision does not find place in the Central Act.
11. Section 23(1) of the Central in the Central Act. provides that a Tribunal can declare a transfer of property to be void if it was made “ by way of gift or otherwise” with the condition that the transferee would.

Maintain the transferor and has not done so Under the Gift Tax Act, 1958, a gift is unconditional, therefore such a transfer can not be termed a gift. Alternatively, if the property is given under condition to maintain the transferor, and the transferee does not adhere to these conditions, then it would be breach of contract under the Indian Contracts Act, 1872, making this provision redundant. Under these circumstances in the proposed legislature this provision has been modified to make it more effective.

5.9 These are some major provisions in addition to other provisions in the proposed legislation, which do not find place in the Central Act. Therefore, proposed legislation is somewhat on different footing from the Central Act.

5.10 Hence, under aforesaid circumstances, we are of the view that Legislature of State should enact its separate legislation on the subject titled **“The Uttar Pradesh Maintenance and Welfare of Parents, Senior Citizens, and Dependents Act-2010”** having various provisions as recommended under Chapter VII of the report as well as in the proposed draft bill.

CHAPTER-VI

CONCLUSIONS

6.1 “Old age is shamefully seen like lice in children and venereal disease in their older siblings.” (Stott, 1981:3)

6.2 “Crime is perceived to be an age war, with young offenders preying on innocent older victims.....politicians have quickly, and quite unjustifiable, identified the elderly as particularly vulnerable to crime” (May by, 1988:101)

6.3 As the twenty first century arrives, the growing security of older persons in India is very visible With more older people living longer, the households are getting smaller and congested, causing stress in joint and extended families. Even where they are co residing marginalization, isolation and insecurity is felt among the older persons due to the generation gap and change in lifestyles. Increase in lifespan also results in chronic functional disabilities creation a need for assistance required by the older person to manage chores as simple as the activities of daily with the traditional system of the lady of the house looking after the older family members at home is slowly getting changes outside home and have their own career ambitions. There is growing realisation among older persons that they are more often than not being perceived by their children as a burden.

6.4 Golbal trends of industrialization and urbanization are altering family structures and changing the social and physical environments of older persons as the world’s population ages rapidly. For the first time in history, older people (60 and above) are expected to outnumber children by 2050 (United Nations, 2006 a). Approximately 60% of all older persons live in developing countries, and this number is expected to rise to 80% by 2050 (United Nations, 2007 a) Older persons are often at

Greater risk of discrimination and poverty after leaving the labour market, as 80% of older adults worldwide do not have pensions and depend on their families for basic needs (United Nations, 2007 c) At the same time, the availability of informal caregivers will decrease due to lower fertility rates, the increased participation of women in the labour force, higher divorce rates, and greater geographic migration of family units. Despite these challenges, families continue to be the foremost carers of older adults In order to improve the social and physical environment of older persons, developing countries are focused on building social supports to reach a larger percentage of the population, whereas most developed countries provide social programs through formal systems of care to supplement care provided by the family.

6.5 ageing scenario in India

6.5.1 Old Age has never been a problem India where a value based, joint family system is supposed to prevail. Indian culture is automatically respectful and supportive of elders. With that background, elder abuse has never been considered as a problem in India and has always been thought of as a western problem. However, the coping capacities of the younger and older family members are being challenged and more often than not there is unwanted behaviour by the younger family members, which is experienced as abnormal by the older family member but cannot however be labeled.

6.5.2 The 2001 census has shown that the elderly population of India accounted for 77 million. While the elderly constituted only 24 million in 1961, it increased to 43 million on 1981 and to 57 million in 1991. The proportion of elderly persons in the population of India rose from 5.63 per cent in 1961 to 6.58 per cent in 1991 and to 7.5 cent in 2001.

6.5.3 Projected increases in both the absolute and relative size of the elderly population in many third world countries is a subject of growing concern for public policy. The combination of high fertility and declining mortality during the twentieth century has resulted in large and rapid increases in elderly populations as successively larger cohorts step into old age. Further, the sharp decline in fertility experienced in recent times is bound to lead to an increasing proportion of the elderly in the future. Since these demographic changes have been accompanied by rapid and profound socioeconomic changes, cohorts might differ in their experience as they join the ranks of the elderly.

6.5.4 With a comparatively young population India is still poised to become home to the second largest number of older persons in the world. The special features of the elderly population in India are:

- Majority (80%) live in the rural areas, thus making service delivery a challenge
- Feminization: 51% of the elderly population would be women by the year 2016
- Increase in the number of the older-old (persons above 80 years) and Large proportion (30%) of the elderly live below poverty line.

6.5.5 The traditional norms and values of Indian society laid stress on showing respect and providing care for the elderly and the families took care of them in the family itself. Advent of modernization, industrialization, urbanization, education and growth of individual philosophy has eroded the traditional values that vested authority with elderly. Although family support and care of the elderly are unlikely to disappear in the near future, family care of the elderly seems likely to decrease as the nation develops economically and modernizes in other respects. In spite of several economic and social problems, the younger generation generally looks after their elderly relatives.

6.5.6 Mass poverty is the Indian reality and the vast majority of the families have income far below the level. The National Policy for Older persons document has measured 33 percent of the general population as living below poverty line and hence the number of poor older persons comes is about 23 millions. India continues to remain an Agriculture economy, one of the major contributors to poverty. As people live longer and move into oldest old category, they need more intensive and long term care. At this stage, the families may face increased financial burden to meet the increasing healthcare costs.

6.5.7 With the economic liberalization started during 1990, India is now trying to become economic super power in the near future. However, growing population, poverty, unemployment, natural calamities, disease cross border terrorism, regional disparities. Political instability, and add to all these the population ageing and large number of aged workers in the informal sector are the growing concern for India.

6.5.8 The current problem of the policy makers to extend socio economic security for the poor is the demographic ageing and increased number of aged in the county's population. The growth of the aged population which is either dependant on the young or unemployed or working for food during the evening yeas of their life is a challenge to the social security systems in the country.

6.5.9 Senior citizens are important and assets of the nation and have contribution to make in socio-economic development. It is important, therefore, that the implications of ageing issues in India are understood, especially the challenges older persons face and to respond to the challenges and opportunities of ageing To fully understand the challenges and opportunities, there is need to understand factors that determine the well-being of elderly persons. Among these are: active participation in society and development; work and the ageing labour force;

Rural development; migration and urbanization; access to knowledge, education and training; intergenerational solidarity; eradication of poverty; income security; social protection/social security and poverty prevention; health promotion and well-being throughout life; older persons and HIV and AIDS; universal and equal access to health care services; housing and living environment. Care and support for care givers; neglect, abuse and violence etc.

6.5.11 The Central Government came out with the National policy for Older Persons in 199, to promote the health and welfare of senior citizens of India. Under the action plan, the National Policy on Older persons (NPOP) Review Committee Meeting was held on 17th June, 2010 at National Institute of Social Defence, New Delhi The review committee has made the following recommendations:-

1. Health Care:

- i) Since health care need increases and income decrease with old age, senior citizens may be offered a 50% discount on all pathological/radiological tests in Govt. as well as Jt. Sector Hospitals (if not in private nursing homes/labs).
- ii) Special health care monitoring cells may be available at all district hospitals for elderly women.
- iv) 50% concessional bed charge at all Govt. and jt. Sector Hospitals for senior citizens irrespective of categories like Below Poverty Line and above poverty Line.

2. Shelter:

i) Aged persons irrespective of gender may be allotted priority in allotment of land/ houses for BPL/ Landless/ MIG categories.

ii) Group Housing Schemes may be encouraged for Senior Citizens both in private and public sector since many aged couples may suffer from the empty nest syndrome and would like to find companionship, security and solace in Peer Company.

iii) Reverse mortgage scheme which is yet to find acceptance among institutional finance bodies, would need aggressive promotion.

3. Social Security:

i) The National Pension Scheme should be augmented to a level that allows an indigent older person not only mere sustenance but also needs medicines, diagnostic test etc.

ii) This pension should have a sub-category offering a higher rate for older persons suffering from terminal diseases.

iii) Free legal advice may be offered to elderly through State Legal Aid Services, irrespective of economic criteria.

6.6 The Problem of old age in India

6.6.1 As the saying goes, life is often about being taken care of in childhood, or being a caretaker for others in our youth, and being taken care of in our old age. There are more than 90 million elderly people in India today and taking care of all of them is already a difficult job. The loneliness and alienation that the deserted old go through is a pressing social problem. For better or for worse, many of our cultural values and institutions, like the joint-family system which provided at least some sort of emotional and financial security in the old age, have been rapidly disappearing in India.

6.6.2 What can we do to turn the life of the elderly into a blessing, not a burden to anybody? Following some of ways may help to build a better, caring country for the elderly:-

6.6.2.1 The time spent together is the most precious:

Try to spend as much time as possible with your folks. The time spent together is the most precious, more so for the elderly. Even small things like accompanying them during a short walk can greatly contribute to their well-being and happiness.

6.6.2.2 Be just a little more patient

Most often than not, it is the increasing communication gap between the elderly and the younger lot that leads to unnecessary conflicts or undesirable living condition for the both. A number of issues, both monetary and emotional ones, long buried for decades certainly come to the fore. Be understanding. Living with the elderly is a rewarding experience if you can be a little more patient.

6.6.2.3 Help them find that special friend

A large number of the elderly people are leading solitary lives-not out of their own choice but because our society demands that they crucify themselves as the 'role models'. Children, society, tradition, etc---everything comes in the way for the old age marriage. Accept the fact that we all need the company and comfort of love--- irrespective of our age. Let them, help them if you please, to find that special friend. Let Them. Remarry.

6.6.2.4 Create employment opportunities for the elderly

Within a decade, the number of the elderly population is expected to go from 90 million to 133 million. According to a study; old persons are capable of a high level of employment.

Under suitable conditions Create right employment opportunities if you don't want them to become a burden on the nation or their family.

6.6.2.5 Donate your time and money:

Hundreds of old homes---both paid & free --are looking for young helping hands. You can also donate to the old homes to improve their infrastructure and to provide better living conditions, or to set up proper care services for elderly in health institutions who can escape the old age? So stop trying to run away from them. Our elderly have always looked after us, and now it's our turn to look after them.

6.7 Caring for the Elderly:-

6.7.1 Challenges & Opportunities in an economically Emerging Nation like India.

6.7.1.1 The effects of Globalisation

- Globalisation and technology have ushered in an era where the senior citizens can play a proactive role in the changing world order:
- The developing & developed world are facing different sets of challenges a major challenge with regard to the elderly is—understanding their medical & mental health issues while being sensitive about their problems and concerns.

6.7.1.2 Changing Indian Scenario-

- The Indian economy moved from “constrained & controlled economic development’ to open & flexible economic development which was a progressive movement.

- The issues of the elderly also became one of the central points on the agenda of the Indian Govt – with the National Policy on Older persons (NPOP) giving the elderly a legitimate place in society.

6.7.1.3 Transformation in the lifestyles of the rural & urban elderly.

- In urban India, the economic & social family structure moved away from its traditional setup.
- In rural India, its elderly still lived in joint families, but the communication revolution has ushered in diffusion in the socio-economic work and living culture there too.
- Managing these interdependent changes is the challenge for emerging India.

6.7.1.3 Demographic profile of the elderly in India

- 2001 Census of India states that there are 76.6 million people over the age of 60, accounting for 7.4% of the total population of India. The share of the elderly in India constitutes 13% of the world's total elderly population.
- Increasing longevity of the total Indian population due to enhanced medical and social services, feminization of Ageing, migration of the younger generations both in the rural and urban areas, brings in its wake its varied challenges.

6.7.1.5 The Socio-Economic Changes in India

- Post the 1990 economic revolution in India, the improved lifestyles of the urban youth has led to a rise in the nuclear family system, with an increase in the elderly now living by themselves.
- These changes have brought in loneliness & isolation of the seniors- but the ancient Indian culture has one strong coping mechanism, namely, Spirituality.

6.7.1.6 Spirituality- an answer to loneliness

- Spirituality is a way of life based on the doctrine of “Karma-Fala-Tyaga” or doing your duty without being attached to it or engaging oneself in life without any expectations.
- It is not a flight from ethical responsibility of the material world but it is a kind of harmony in doing and at the same time keeping oneself aloof from it.
- It is not running away from the reality of life, rather it is doing your duty without expecting the fruits of your labour.
- Spirituality offers solace, peace & hope to troubled minds of the modern period.

6.7.1.7 Proactive Steps by the Govt. of India

- Formulating of the National Policy on Older Persons for implementing the NPOP.
- Tax benefits and higher interest rates for seniors.
- Integrated Program for the Older persons
- Cash Assistance for seniors.
- Scheme of Assistance to Panchayati Raj Institutions/NGOs.
- Maintenance and Welfare of Parents and Senior Citizens’ Act, 2007.

6.7.1.8 Challenges of the future-

- Increasing life-expectancy necessarily requires geriatric caregiving services and social support to the elderly to alleviate their feelings of loneliness & isolation.
- Creation of a cadre of well-trained geriatric care managers for the elderly.
- Need for more comprehensive & extensive research in Geriatrics & Gerontology.

6.7.1.9 Setting up of Resource Centres

- Setting up of Resource Centres for the seniors at the district levels.

- They would be centres of information, counseling, assistance on legal, financial and other issues for the elderly.
- To be run jointly by the Government & NGOs.
- To provide computer assistance for the elderly.
- To help build intergenerational relationship & inclusion of seniors into mainstream society.

6.7.1.10 Retirement Complexes for seniors

- Setting up of retirement complexes for senior citizens in the urban and rural areas would be one solution for helping the seniors live productive, qualitative, dignified & participatory lives.

6.8 Over the years Government of Uttar Pradesh has also launched various schemes and policies for the betterment of senior citizen and destitute, Recently on 01 Nov, 2010, Hon' ble Chief Minister of Uttar Pradesh has implemented “ उ०प्र० मुख्यमंत्री महामाया गरीब आर्थिक मदद योजना **which provides** “ उक्त योजनान्तर्गत ऐसे परिवारों को लाभान्वित किये जाने का लक्ष्य है, जो गरीबी की रेखा से नीचे जीविकोपार्जन कर रहे हैं है, परन्तु उन्हें बी०पी०एल० योजना, अन्त्योदय योजना या किसी भी पेंशन का लाभ नहीं मिल पाया है। इस योजना के प्रथम चरण में 30 लाख लाभार्थियों को लाभान्वित किया जाना है। उक्त योजनान्तर्गत लाभार्थी को रू० 300/- की धनराशि प्रति माह की दर से 02 छमाही किस्तों में लाभार्थी के राष्ट्रीयकृत बैंक में खुले खाते के माध्यम से देय है।”

6.9 In view of the above discussions and various points raised at different meetings and in the light of aforesaid various recommendations/ suggestions, Commissions is of the view that the Legislature of State should enact its own legislation titled “**The Uttar Pradesh Maintenance and Welfare of parents, Senior Citizens, and Dependents Act, 2010**” Some of the main features of the proposed legislation are as follows:-

- Clause 3- Provides for entitlement for maintenance by parents, grand parents, Senior Citizens and Dependants who is unable to maintain himself and is resident in the State of Uttar Pradesh in case of parent and grand parents against one or more of his children or grand children and in the case of a childless Senior Citizens against his relatives who is in possession of the property of such senior citizens or he would inherit his property and in case of dependants (other than a parent, grand parent, wife, minor son or unmarried daughter) such dependant has not obtained by testamentary of intestate succession, any share in an estate of his ancestor, against the person who take the share.
- Clause 4- Provides for making an application for maintenance by a senior citizen or a parent or a grand parent or a dependant and if he is unable is unable to make an application such an application may be made be made on his behalf by any member of his family or any person or an organisation in whose care he resides or any other person authorised by him or maintenance officer The Tribunal may also take cognizance suo-motu.
- Clause 5- Provides that an application for maintenance may be made by senior citizen or a parent or a grand parent or a dependant against children or grand children or relative in any districts where the senior citizen or a parent or a grand parent or a dependant resides or last resided or where the children or grand children or relatives resides. The Tribunal shall have the power of a judicial Magistrate First Class for securing the attendance of children or grand children or relative It also provides that the Tribunal may before hearing the application under clauses 4 shall Endeavour for amicable settlement of dispute between the parties.

- Clause 6- Provides that the State Government shall, within a period of six months from the date of the commencement of this Act, establish for each sub-Division one or more Tribunals. The Tribunal shall be presided over by an officer not below the rank of Sub-Divisional Officer It. Further provides that the Tribunal shall decide every application within a period of three months from the date of service of the notice.
- Clause 7- Provides that Tribunal may order the maintenance allowance but it shall not exceed ten thousand rupees per month.
- Clause 8- Provides that Tribunal may order the respondent to pay to the applicant such some by way of interim maintenance which shall not be less than rupees five hundred per month pending the final disposal of the maintenance application.
- Clause 11- Provides that on proof of misrepresentation or mistake of fact or change in the circumstances of any person, receiving a monthly allowance, the Tribunal may reconsider its any subsisting order for maintenance, whether secured or unsecured and may vary or rescind the same.
- Clause 12- Provides that maintenance payable under this Act shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of any debt or claim whatsoever.
- Clause 13- Provides that the order of maintenance made under this Act shall have the same force and effect as an order passed under chapter IX of the Code of Criminal Procedure, 1973.
- Clause 14- Provides that if a senior citizen, after the commencement of this Act, transfers to his family member, relative or friend his entire property by way of gift or otherwise, unconditional or without

consideration, as the case may be, the donee/transferee shall be bound to provide the basic amenities and basic physical needs to the donor/transferor and if such donee / transferee refuses or fails to provide such amenities and physical needs to the donor/transferor, action shall be taken against such donee/ transferee, by the Tribunal at the option of the donor/ transferor, in such manner as provided under the provisions of this Act. It also provides that where any senior citizen has a right to receive maintenance out of an estate or part thereof is transferred, the right may be enforced against the transferee. It further provides that if any senior citizen is incapable of enforcing the right, action may be taken on his behalf by any of the organisation registered under the Society Registration Act, 1960 or any other law for the time being enforced.

- Clause 15- Provides that where an applicant is unable to make an application under this Act, such an application may be made on his behalf by a family member or any person authorized by the applicant or maintenance officer.
- Clause 16- Provides that the District Social Welfare Officer shall be the maintenance officer of parents, grand parents, senior citizens and dependents who shall represent the applicant if he so desires before a Tribunal or Appellate Tribunal.
- Clause 17- Provides that where a senior citizen or a parent, or a grand parent, or a dependent is entitled for maintenance under this Act and also under chapter IX of the Code of Criminal Procedure, 1973, he will have the option to pursue their claim either under the Code of Criminal procedure, 1973 or under the provisions of this bill not under both.

- Clause 18- Provides that provisions of this Act shall be in addition to and not in derogation of chapter IX of the Code of Criminal Procedure, 1973 and the provisions of any law for the time being in force in respect of a suit or proceeding for maintenance.
- Clause 19- Provides that children or grand children or relative who are required to pay any amount of maintenance ordered by the Tribunal shall deposit the entire amount within thirty days with the Tribunal in such manner as the Tribunal may direct, failing which, Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier.
- Clause 20- Provides that the Tribunal may direct the payment of interest of not less than five per cent and not more than ten per cent in addition to the amount of maintenance. It also provides that where an application for maintenance under Chapter IX of the Code of Criminal procedure, 1973 is pending before a Court at the commencement of this Act, then such Court shall allow the withdrawal of such application on the request of the parent or senior citizen.
- Clause 21- Provides for establishment of Appellate Tribunal, for each district, within a period of six month from the date of commencement of this Act, It shall be presided over by the District Judge.
- Clause 22 Provides that except as provided in the section the decision of the maintenance Tribunal shall be final It further provides that appeal against the order of the Tribunal may be filled within thirty days from the date of order upon any question of law or of mixed law and fact It also provides that the respondent shall

Continue to pay the maintenance amount as ordered by the Tribunal, in a manner directed by the Appellate Tribunal Appeal shall be decided within one month. Procedure for hearing of appeal is also given. It also provides that there shall be no further right of appeal from the decision of the Appellate Tribunal Copy of order shall be provided to both the parties free of cost.

- Clause 23- Provides that the legal practitioner shall not participate in any of the proceeding before the Tribunals and Appellate Tribunals.
- Clause 25- Provides that State Government may approve institutions or organisations engaged in Social Welfare or the representative thereof, persons professionally engaged in promoting the welfare of the family, persons working in the field of Social welfare and any other person whose association with the Tribunal would enable it to exercise its jurisdiction more effectively.
- Clause 26- Provides that State Government shall establish the old age homes in a phased manner for senior citizens who are indigent in each district to accommodate at least two hundred senior citizens old age homes may be setup close to orphanages State Government shall provide medical care and shall setup recreation centres for senior citizen living in the old age home for their entertainment.
- Clause 27- Provides that State Government shall ensure that beds be provided for all senior citizens in Government hospitals funded fully or partially by the Government it also provides that the private hospitals who have been provided land on concessional rates/ free of cost or other facilities for construction of hospital by the Government shall reserve some beds for senior citizens and shall also.

give concession towards consultation and treatment to them It further provides that all senior citizen shall be covered under Group Health Insurance The doctors working in the Government hospitals to conduct medical camps in various parts of the state, especially in rural and far flung areas. The Mobile Medicare Unit programs may be implemented to provide Medicare at the door step. Separate queues be arranged for senior citizens, facility for treatment of chronic terminal and degenerative diseases, research activities for chronic diseases shall be expanded and facilities for geriatric patients in every district hospital shall be earmarked.

- Clause 28- Provides that State Government shall take measures to give wide publicity through public medial including the television, radio and print, at regular intervals, the provisions of the Act. It further provides that the State Government may establish senior citizens service and information centres in each district under the super vision of Maintenance officer and State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizen. It also provides that the State Government may setup a Help Line, Counseling Centres etc. for senior citizens.
- Clause 30- Provides that any persons who is having care or protection of any senior citizen intentionally abandons a senior citizen shall be liable for punishment of imprisonment up to six month or with fine which may extend to ten thousand rupees or with both.

Clause 31 Provides that the offences under the Act. are cognizable and bailable and shall be tried summarily by a Magistrate.

6.10 Accordingly, the report is being submitted by the State Law Commission to the State Government for enactment of a separate new legislation titled “ **The Uttar Pradesh Maintenance and Welfare of Parents, Senior Citizens, and Dependents Act, 2010**”, to give more attention to the care and protection, and to recognize the legitimate rights of parents, grand-parents, senior citizens and dependants, particularly senior citizens. Under the Code of Criminal Procedure, 1973, where parents may claim maintenance is both time consuming as well as expensive, secondly grand-parents, senior citizens and dependents are not covered under the Code of Criminal Procedure. Hence, there is need to have simple inexpensive and speedy provisions to claim maintenance for parents, grand parents, senior citizens and dependants. We are of the view that if proposed legislation is enacted and enforced it will fulfill the need.

CHAPTER –VII

RECOMMENDATIONS

- 7.1** In the light of discussions in the forgoing chapters we propose to give our recommendations keeping in view the discussions at various meetings held by the Commissions and keeping in mind the provisions of Article 41 and 38 of the Constitution of India.
- 7.2** Though the parents can claim maintenance under the Code of Criminal procedure, 1973, the procedure is both time consuming as well expensive, but it does not cover the grant-parents, senior citizens and dependants hence, there is need to have simple, inexpensive and speedy provisions to claim maintenance for parents, grand-parents, senior citizens and dependents to secure the objective of principles laid down in Article 41 read with Article 38 of the Constitution of India, and to ensure the care and maintenance of parents and dependants particularly who are in old age, destitute, sickness, disablement and really need care from their kith and kins as they are not looking after them.
- 7.3** We have drafted a Model Draft Bill to enact State legislation by the legislature of State titled “ **The Uttar Pradesh Maintenance and Welfare of Parents, Senior Citizens, and Dependants Act, 2010**, for the State It may be noted that under the Constitution of India the above subject is comprised in Entry 23 of the concurrent List of the Seventh Schedule which provides “ Social Security and Social Insurance; employment and unemployment.”
- 7.4** Article 246 (2) provides “ notwithstanding anything in clause (3) Parliament, and, subject to clause (1) the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in list III in the Seventh Schedule (in this Constitution referred to as the Concurrent List)” It means Parliament and Legislature of State both have power to make

Laws with respect to any of the matters enumerated in List III Concurrent List in the Seventh Schedule.

- 7.5 As stated earlier Parliament has already enacted “ The Maintenance and Welfare of Parents Senior Citizen Act, 2007” sub-section (3) of Section 1 of the Act provides that “ It shall come into force in a State on such date as the State Government may, by notification in official Gazette, appoint”
- 7.6 Therefore said enactment by parliament has to be adopted by the State Government. So far said Central Legislation has not been adopted by the State of Uttar Pradesh. Under these circumstances if proposed State legislation passed by the Legislature of State it shall require ascent of the President of India under Article 254 (2) of the Constitution of India, thereafter it shall prevail in the State
- 7.7 We recommend that the proposed legislation should have the following provisions:

- Clause- 1- Provides for short titles, extent applications and functioning of the proposed legislation. The proposed legislation shall apply to the resident in the whole of Uttar Pradesh.
- Clause- 2- Seeks to define certain words and expression used in the Bill.
- Clause- 3- Provides for entitlement for maintenance by parents, grand parents, Senior citizens and Dependants who is unable to maintain himself and is resident in the State of Uttar Pradesh in case of parent and grand parents against one or more of his children or grand children and in the case of a childless Senior Citizens against his relatives who is in possession of the property of such senior citizens or he would inherit his property and in case of dependants (other than a parent, grand parent, wife, minor son or unmarried daughter if such dependant has not obtained by testamentary of intestate succession, any

Share in an estate of his ancestor, against the person who take the share.

- Clause – 4- Provides for making an application for maintenance by a senior citizen or a parent or a grand parent or a dependant and if he is unable to make an application such an application may be made on his behalf by any member of his family or any person or an organisation in whose care he resides or any other person authorised by him or maintenance officer. The Tribunal may also take cognizance suo - motu.
- Clause – 5- Provides that an application for maintenance may be made in any districts where the senior citizen or a parent or a grand parent or a dependant resides or last resided or where the children or grand children or relatives resides It further provides that the Tribunal has to issue a process on receipt of an application and the Tribunal shall have the power of a judicial Magistrate First Class for securing the attendance of children or grand children or related It also provides that the Tribunal may before hearing the application under section 4 shall Endeavour for amicable settlement of dispute between the parties.
- Clause – 6- Provides that the State Government shall, within a period of six months from the date of the commencement of this Act, establish for each Sub- Division on or more Tribunals as may be specified in the notification The Tribunal shall be presided over by an officer not below the rank of sub- Divisional Officer. It further provides that the Tribunals shall decide every application within a period of three months from the date of service of notice Powers of Tribunal have also been given.
- Clause - 7- Provides that the Tribunal may make a maintenance order for maintenance allowance but it shall not exceed ten thousand rupees per month It further

Provides that copy of a maintenance order including the order regarding expenses of proceedings, shall be given without payments of any fees to the applicant, in whose favour it is made

- Clause- 8- Provides that the Tribunal may, order the respondent to pay to the applicant such some by way of interim maintenance which shall not be less than rupees five hundred per month pending the final disposal of the maintenance application.
- Clause – 9- Tribunal in its discretion, when awarding maintenance, order the respondents to secure the whole or any part of it by vesting any property in prestige upon trust to pay the maintenance or part thereof out of income of their property.
- Clause – 10- Provides that except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, a maintenance order shall expire in case the maintenance was unsecured, on the death of the applicant or the respondent, whichever is earlier and in case of secure, on the death of the applicant. It also provides that in case of more than on respondent, death of a respondent does not affect the liability of the others to continue paying maintenance to the applicant, The applicant may apply to the Tribunal to reapportion the liability among the surviving respondent.
- Clause - 11- Provides that on proof of misrepresentation or mistake of fact or change in the circumstances of any person, receiving a monthly allowance, the Tribunal amy reconsider its any subsisting order for maintenence, whether secured or unsecured and may vary or rescind the same.

- Clause – 12- Provides that maintenance payable under this Act shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of any debt or claim whatsoever.
- Clause – 13- Provides that the order of maintenance made under this Act shall have the same force and effect as an order passed under chapter IX of the Code of Criminal Procedure, 1973.
- Clause – 14- Provides that if a senior citizen, after the commencement of this Act, transfers to his family member, relative or otherwise, unconditional or without consideration, as the case may be, the done/ transferee shall be bound to provide the basic amenities and basic physical needs to the donor/ transferor and if such done/ transferee refuses or fails to provide such amenities and physical needs to the donor/ transferor, action shall be taken against such done/ transferee, by the Tribunal at the option of the donor/ transferor, in such manner as provided under the provisions of this Act. It also provides that where any senior citizen has a right to receive maintenance out of an estate or part thereof is transferred, the right may be enforced against the transferee. It further provides that if any senior citizen is incapable of enforcing the right, action may be taken on his behalf by any of the organisation registered under the Society Registration Act, 1960 or any other law for the time being enforced.
- Clause - 15- Provides that where an applicant is unable to make an application under this Act, such an application may be made on his behalf by a family member or any person or organisation in whose care he resides or a person authorised by the applicant or maintenance officer.

- Clause – 16- Provides that the District Social Welfare officer shall be the maintenance officer of parents, Grand parents, senior citizens and dependents who shall represents the applicant if he so desires before a Tribunal or Appellate Tribunal.
- Clause – 17- Provides that where a senior citizen or a parent, or a grant parent, or a dependent is entitled for maintenance under this Act and also under chapter IX of the Code of Criminal Procedure, 1973 will have the option to pursue their claim either under the Code of Criminal procedure, 1973 or under the provision of this bill but not under both.
- Clause- 18- Provides that provisions of this Act shall be in addition to and not derogation of chapter IX of the code of Criminal Procedure, 1973 and the provisions of any law for the time being in force in respect of a suit or a proceeding for maintenance.
- Clause- 19- Provides that children or grand children or relative who are required to any amount of maintenance ordered by the Tribunal shall deposit the entire amount within thirty days with the Tribunal in such manner as the Tribunal may direct, failing which, on application to levy such amount within a period of three month from the date on which it became due, Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines , and may sentence to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier.
- Clause- 20- Provides that the Tribunal may direct the payment of interest Of not less than five per cent and not more than ten per cent in addition to the amount of maintenance. It also provides that where an application for maintenance under Chapter IX of the Code of Criminal procedure, 1973 is pending before

A Court at the commencement of this Act, then such Court shall allow the withdrawal of such application on the request of the parent or senior citizen.

- Clause- 21- Provides for establishment of Appellate Tribunal, for each district, within a period of six months from the date of commencement of this Act, by the notification in the Official Gazette. It shall be presided over by the District Judge.
- Clause- 22- Provides that except as provided in the section the decision of the Maintenance Tribunal shall be final It provides that appeal against the orders of the Tribunal may be filed within thirty days from the date of order upon any question of law or mixed law and fact except in any case where the Tribunal has made the order with the consent of the party unless it is alleged that the consent was obtained by means of fraud duress, threat or misrepresentation It also provides that the respondent shall continue to pay the maintenance amount as ordered by the Tribunal. Time schedule and procedure is also given. It further provides that shall be no further right of appeal from the decision of the Appellate Tribunal Copy of order shall be provided to both the parties free of cost.
- Clause- 23- Provides that the legal practitioner shall not participate in any of the proceeding before the Tribunals and Appellate Tribunals.
- Clause- 24- Provides that costs of an application or an appeal shall be in the discretion of the Tribunal or the Appellate Tribunal, as the case may be.
- Clause- 25- Provides that State Government may approve institutions or organisation engaged in Social Welfare or the representative thereof, persons professionally engaged in promoting the welfare of

the family, persons working in the field of Social Welfare and any other persons whose association with the Tribunal would enable it to exercise its jurisdiction more effectively.

- Clause 26- Provides that State Government shall established the old age homes in a phased manner for senior citizens who are indigent in each district to accommodate at least two hundred senior citizens Old age homes may be setup close to orphanages It also provides that State Government shall prescribed a scheme for management of old age homes including the standards and various types of services to be provided by them which are necessary for medical care and entertainment It further provides that State Government shall setup recreation centres for senior citizens living in the old age home for their entertainment.
- Clause 27- Provides that State Government shall ensure that beds be provided for all senior citizens in Government hospitals funded fully or partially by the Government. It also provides that the private hospital who have been provided land on concessional rates/ free of cost other facilities for construction of hospital by the Government shall reserve some beds for senior citizens and shall also give concession towards consultation and treatment to them It further provides that all senior citizen shall be covered under Group health Insurance. The doctors working in the Government hospitals to conduct medical camps in various parts of the state, especially in rural and for flung areas. The Mobile Medicare Unit Programme may be implemented to provides Medicare at the door step Separate queues be arranged for senior citizens, facility for treatment of chronic terminal and degenerative diseases,

research activities for chronic diseases shall be expanded and facilities for geriatric patients in every district hospital shall be earmarked.

- Clause 28- Provides that State Government shall take measures to give wide publicity through public media including the television radio and print, at regular intervals, the provisions of the Act, It further provides that the State Government may establish senior citizens service and information centres in each district under the super vision of Maintenance Officer and State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizen It further provides that the State Government may setup a help Line, Counseling Centres etc. for senior citizens.
- Clause 29- Provides that the State Government shall. Introduced an old Age Pension Scheme for senior citizen having no sufficient means for their a livelihood and are resident in the State of U.P.
- Clause 30- Provides that any senior who is having care or protection of any senior citizen intentionally abandons a senior citizen shall be liable for punishment of imprisonment up to six months or with fine which may extend to ten thousand rupees or with both.
- Clause 31- Provides that the offences under the Act are cognizable and bailable and shall tried summarily by a Magistrate.
- Clause 32- Provides that every officer or staff appointed to exercise the functions under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

- Clause 33- Provides that the jurisdiction of Civil Courts is barred.
- Clause 34- Provides that no suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government or the local authority or any officer of the Government in respect of any thing which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.
- Clause 35- Provides that the State Government may by notification in the official Gazette any difficulty which may arise in implementing the provisions of this Act. The said power may be exercised by the State Government within a period of two years from the commencement of the present legislation.
- Clause 36- Provides that the Government may make rules for carrying out the purposes of the proposed legislation Every rule made by the State Governments shall be laid before the each house of State Legislature, as soon as may be after it is made.

7.8 The Proposed draft bill of **“The Uttar Pradesh Maintenance and Welfare of parents, Senior Citizens, and Dependents Act, 2010”**, is annexed with this report as Annexure-1

We recommend accordingly.

7.9

(Justice V.C. Misra)
Chairman

(Prof. Balraj Chauhan)
Member (Part-time)

(Ishwar Dayal)
Member (Full-time)

UTTAR PRADESH STATE LAW COMMISSION

MODEL DRAFT BILL

(WITH SEVENTH REPORT – 2010)

OF

**THE UTTAR PRADESH MAINTENANCE
AND WELFARE OF PARENTS, SENIOT CITIZENS,
AND DEPENDENTS ACT, 2010**

MODEL LAW
(WITH SEVENTH REPORT- 2010)
OF
THE UTTAR PRADESH MAINTENANCE AND WELFARE OF
PARENTS, SENIOR CITIZENS, AND DEPENDENTS ACT,2010

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UTTAR PRADESH STATE LAW COMMISSION
MODEL DRAFT BILL
(WITHSEVENTH REPORT – 2010)
OF

THE UTTAR PRADESH MAINTENANCE AND WELFARE OF
PARENTS, SENIOR CITIZENS, AND DEPENDENTS BILL-2010

A

BILL

to provide for more effective provisions for the maintenance and welfare of parents, grand parents, senior citizens and dependents guaranteed and recognized under the Constitution of India and for matters connected therewith or incidental thereto.

Whereas, tendency to neglect the aged and infirm parents, grand parents, senior citizens and dependents is increasing day by day and there is apparent need to compel the young generation to perform their moral obligations which they owe to the society in respect of their families and aged and infirm parents and grand-parents so that they are not left beggared and destitute on the scrap-heap of society and thereby driven to life of vagrancy for their subsistence;

And whereas, for the purpose of securing the principles laid down in Article 41 read with Article 38 of the Constitution of India, it is in the public interest that the public assistance in cases of old age, sickness and disablement and in other cases of undeserved want should be secured.

IT IS HERE BY enacted in the Sixty-first Year of the Republic of India as follows:-

1. Short title, extent, application and commencement

(1) This Act may be called the THE UTTAR PRADESH MAINTENANCE AND WELFARE OF PARENTS, SENIOR CITIZENS AND DEPENDENTS ACT- 2010.

(2) It extends to the whole of Uttar Pradesh

(3) It shall come into force on such date as the State Government may, by notification, in the official Gazette, appoint.

2- Definitions - In this Act, unless the context otherwise requires,-

- (a) “Appellate Tribunal” means the Appellate Tribunal constituted under section 21.
- (b) “applicant” includes a person in whose favour a maintenance order has been made under the provisions of this Act;
- (c) “approved person” or “organisation” means a person or an organisation that has been approved under Section 25 by the State Government in writing for the purposes of this Act.
- (d) “child” includes a child born out of extra marital relationship, adopted and step child, below the age of 18 years;
- (e) “children” includes son daughter, grandson and grand- daughter but does not include a minor;
- (f) “dependent” includes,-
 - (i) Parents and grand parents, so long as they are unable to maintain themselves or unable to obtain maintenance in the case of grand parents from their sons and daughters;
 - (ii) Wife, so long as she does not re-marry;
 - (iii) Son or the son of predeceased son, so long as he is minor; provided and to the extent that he is unable to obtain maintenance in the case of grandson from his father’ s and mother’ s estate;
 - (iv) Unmarried daughter or unmarried daughter of the predeceased son, so long as she remains unmarried; provided and to the extent that she is unable to obtain maintenance in case of a grand daughter from her father’ s and mother’ s estate,
 - (v) Widowed daughter; Provided and to the extent that she is unable to obtain maintenance-
 - (a) From the estate of her husband; or
 - (b) From her son or daughter, if any, or his or her estate; or

- (c) From her father-in law or her grand father-in law or the estate of either of them;
- (vi) Any widow of the son or of the son of the predeceased son, so long as she does not re-marry; Provided and to the extent that she is unable to obtain maintenance from the estate of her husband or from her son or daughter, if any, or his or her estate; or in the case of a grandson' widow, also from her father-in law's estate;
- (vii) Son born out of extra marital relationship, so long he remains minor; and.
- (viii) Daughter born out of extra marital relationship, so long she remains unmarried;
- (g) "maintenance" includes provision for food, clothing residence and medical attendance and treatment;
- (h) " maintenance Officer" means the Maintenance Officer for the maintenance of parents, grandparents, senior citizens and dependents appointed under Section 16;
- (i) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875), is deemed not to have attained the age of majority;
- (j) "parent" means father or mother whether biological , adoptive or step-father or step-mother, as the case may be, whether or not the father or the mother is a senior citizen;
- (k) "prescribed" means prescribed by rules made by the State Government under this Act.
- (l) "property" means property of any kind, whether movable or immovable, ancestral or self-acquired, tangible or intangible and includes rights or interests in such property;
- (m) "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;
- (n) "respondent" includes a person against whom a maintenance order has been made under the provisions of this Act;
- (o) "senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above;

- (p) “tribunal” means the Maintenance Tribunal constituted under section 6;
 (q) “Welfare” means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

3- Maintenance of parents, grand parents, senior citizens, and dependants-

- (1) Any person who is unable to maintain himself is resident in the State of Uttar Pradesh, shall be entitled to make an application under section 4 in case of:-
- (i) Parent or grand-parent, against one or more of his children or grand children;
 - (ii) A childless senior citizen, against such of his relative referred to in clause (m) of section 2;
 - (iii) Either of the spouse against the other;
 - (iv) Minor son or unmarried daughter, against his or her father and where father is dead, his or her mother;
 - (v) In case of dependant (other than a parent, grand-parent, wife minor son or unmarried daughter) if such dependant has not obtained, by testamentary or intestate succession, any share in an estate of his ancestor, against the person who get the share.
- (2) The obligation of the children or grand-children or relative as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.
- (3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.
- (4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:
- Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance amount shall be.

Payable by such relative in the proportion in which they would inherit his property.

- (5) Any person having sufficient means shall maintain such dependant in accordance with clause (v) of sub-section(1) **Explanation:** For the purpose of this section a parent or a grand- parent or a senior citizen is unable to maintain himself ; if his total or expected income and other financial resources are inadequate to provide him with basic amenities and basic physical needs including (but not limited to) shelter, food and clothing.

4- Application for maintenance-

- (1) An application for maintenance under section 3 may be made-
- (a) By a senior citizen or a parent or a grand parent or a dependant, as the case may be, or
 - (b) Where an applicant is unable to make an application under this Act (whether by reason of physical or mental infirmity or for any other reason), such an application may be made on his behalf by-
 - (i) Any member of his family; or
 - (ii) Any person or an organisation in whose care he resides; or
 - (iii) Any other person whom the applicant has authorised to make such application; or
 - (iv) Maintenance Officer. Or
 - (v) The Tribunal may take cognizance suo- motu.

Explanation: For the purpose of this section “organisation means any voluntary association registered under the Society Registration Act, 1860 (Act No. 21 of 1860), or any other law for the time being enforce.

- (2) An application for maintenance under sub-section (1) may be filled against one or more persons:

Provided that such children or grand children or relative or person may impaled the other person liable to maintain parent or grand parent or senior citizen or dependant in the application for maintenance.

5- Jurisdiction and Procedure-

- (1) The proceedings under section 4 may be taken against any of the children or grand children or relative in any District-
 - (a) Where he resides or last resided; or
 - (b) Where children or grand children or relative resides;
- (2) On receipt of the application under section 4, the Tribunal shall issue a process for procuring the presence of children or grand children or relative against whom the application is filed.
- (3) Every summons and notice issued under the hand of the Presiding Officer of the tribunal to any person shall be served on that person-
 - (a) By delivering the summons to the person or to some adult member of his family at his last known place of residence; or
 - (b) By leaving the summons at his usual or last known place of residence or business in an envelope addressed to the person; or
 - (c) By sending the summons by registered post addressed to the person at his usual or last known place of residence or business; or
 - (d) Where the person is a body of persons or a company
 - (i) by delivering the summons to the Secretary other like officer of the body of persons or company at its registered office or principal place of business; or
 - (ii) by sending the summons by registered post addressed to the body of persons or company at its registered office or principal place of business.

- (e) Where the children or grand children or relatives are residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification, specify in this behalf.
- (4) Any summons or notice sent by registered post to any person in accordance with sub-section (3) shall be deemed to be duly served on the person to whom the letter is addressed at the time when the letter would in the ordinary course of post be delivered and in proving service of the summons, it shall be sufficient to prove that envelope containing the summons was properly addressed, stamped and posted by registered post.
- (5) For securing the attendance of children or grant children or relative the Tribunal shall have the power of a judicial Magistrate of first class as provided under the Code of Criminal procedure, 1973 (2 of 1974).
- (6) All evidence to such proceedings shall be taken in the presence of the children or grant children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:
Provided that if the Tribunal is satisfied that the children or grant children or relative against whom an order for payment of maintenance is proposed to be made is willfully avoiding service or willfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case ex parte.
- (7) Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification specify in this behalf.
- (8) The Tribunal before hearing an application under section 4 shall Endeavour for amicable settlement of dispute between the parties and shall follow such procedure as may be prescribed.

7. Establishment of Maintenance Tribunal

- (1) For the purpose of exercising the jurisdiction and powers conferred on a Tribunal for maintenance of parents, grandparents, senior citizens and dependants by this Act, State Government shall, within a period of six months from each sub-Division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 4.
- (2) The Tribunal shall be presided over by an officer not below the rank of the sub- Divisional Officer who shall be appointed by the State Government.
- (3) Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.
- (4) The Tribunal shall have jurisdiction to hear and determine in accordance with this Act, all applications made under this Act.
- (5) The Tribunal shall decide every application made to it within a period of three months from the date of service of notice of the application to such person.

Provided that the Tribunal may extend the said period, once for a maximum period of fifteen days in exceptional circumstances for reasons to be recorded in writing.

- (6) The Tribunal shall have the following powers:-
 - (a) to dismiss frivolous or vexatious claims at a preliminary stage on the basis of the affidavits and other documentary evidence;
 - (b) to summon any person to appear before a Conciliation Officer for the purpose of mediation;
 - (c) to summon any person whom it may be considerable to give evidence to attend at the hearing of an application;
 - (d) to examine such person as a witness either on oath or otherwise and to require such person to produce such records, documents or articles as the Tribunal may think necessary for purpose of the proceedings;

- (e) to allow any person, attending the proceedings any reasonable expenses necessarily incurred by him in so attending to be paid by such party as the Tribunal may determine;
 - (f) To make an order by consent of the parties; and
 - (g) All the powers of a Magistrate with regard to the enforcement of attendance of witnesses and hearing evidence on oath.
- (7) Every person examined as a witness by or before the Tribunal, whether on oath or otherwise, shall be legally bound to state the truth and to produce such records, documents or articles as the Tribunal may require.
- (8) The Tribunal may receive as evidence any report, statement, document, information or matter that may, in its opinion, assist it to deal effectively with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872.
- (9) In proceedings before the Tribunal it shall not be necessary to record the evidence of witnesses at length, but the Tribunal, as the examination of each witness proceeds, shall, record or cause to be recorded, a memorandum of the substance of what a witness deposes, and such memorandum shall be signed by the witness and the Presiding Officer of the Tribunal and shall form part of the record.
- (10) The evidence of any person where such evidence is of a formal character, may be given by affidavit and may, subject to all just exception, be read in evidence in any proceeding before the Tribunal.
- (11) The Tribunal may, if it thinks fit, and shall on the application of any of the parties to the proceedings summon and examine any such person as to the facts contained in his affidavit.

7- Maintenance Orders-

- (1) The Tribunal may make a maintenance order if it considers that it is just and equitable that the respondent should maintain the applicant and that-
 - (a) the respondent is able to provide maintenance to the applicant after his own requirements and those of his spouse and his children; and
 - (b) the applicant is unable, in spite of efforts on his part, to maintain himself through work or from his property or from any other source.
- (2) When ordering maintenance for the benefit of a spouse, child or aged or infirm parent, the Tribunal shall have regard to all the circumstances of the case including (but not limited to) the following matters:-
 - (a) the financial needs of the applicant, taking into account reasonable expenses for housing and medical costs;
 - (b) the income earning capacity property and other financial resources of the applicant and the manner in which an applicant has spent his saving or dissipated his financial resources;
 - (c) any physical or mental disability of the applicant;
 - (d) the income, earning capacity, property and other financial resources of the respondent;
 - (e) the expenses incurred by the respondent in supporting its spouse or children;
 - (f) the contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of the applicant; and
 - (g) if the applicant is living separately, whether the applicant is justified in doing so.
- (3) When ordering maintenance, if any, for the benefit to a dependant (other than spouse, minor son, unmarried daughter and parents) regard shall be had to-
 - (a) the net value of the estate of the deceased after providing for the payment of debts;

- (b) the provisions, if any, under a will of the deceased in respect of the dependant;
 - (c) the degree of relationship between the two;
 - (d) the reasonable wants of the dependant;
 - (e) the past relations between the dependant and the deceased;
 - (f) the value of the property of the dependant and any income derived from the property or from his or her earnings or from any other source; and
 - (g) the number of dependants entitled to maintenance under this Act.
- (4) Where there is more than one respondent the Tribunal may apportion the maintenance among the various respondents in such manner as may be just.
- (5) The maximum maintenance allowance which may be ordered by such Tribunal shall not exceed rupees ten thousand per month.
- (6) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered from the date of the application for maintenance or expenses of proceeding as the case may be.
- (7) A copy of the maintenance order including the order regarding expenses of proceeding, as the case may be, shall be given without payment of any fee to the applicant, in whose favour it is made.

8- Maintenance pendent lite-

Where in any proceeding under this Act it appears to the Tribunal that the applicant is unable to maintain itself and has no independent income, it may, on the application of the applicant supported by an affidavit, order the respondent to pay to the applicant such sum by way of interim maintenance as, having regard to the income of the respondent, it may seem to the Tribunal to be reasonable but which shall not be less than rupees five hundred per month pending the final disposal of the maintenance application.

9- Power of Tribunal to order security for maintenance-

- (1) A maintenance order may provide for the payment of a monthly allowance not exceeding ten thousand rupees per mensem or periodical payment or a lump sum for such period as the Tribunal may determine;
- (2) The Tribunal may, in its discretion when awarding maintenance, order the respondent to secure the whole or any part of it by vesting any property in trustees upon trust to pay the maintenance or part thereof out of the income from that property.
- (3) The Tribunal may, in awarding maintenance, order the applicant to-
 - (a) Deposit such minimum sum as the Tribunal may determine with a bank; or
 - (b) Purchase an annuity with an insurer with minimum sum
- (4) The Tribunal may, in awarding maintenance, give directions as to the manner or method of payment.

10 Duration of order for maintenance-

- (1) Except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, a maintenance order shall expire-
 - (a) if the maintenance was unsecured, on the death of the applicant or the respondent, whichever is earlier, and
 - (b) if the maintenance was secured, on the death of the applicant,
- (2) Where a maintenance order was made against more than one respondent, the death of a respondent does not affect the liability of the others to continue paying maintenance to the applicant. The applicant may apply to the Tribunal to re-apportion the liability among the surviving respondents.

11- Power of Tribunal to reconsider its order for maintenance-

- (1) The Tribunal may reconsider its any subsisting order for maintenance whether secured or unsecured, and may vary or rescind the same, where it is satisfied that order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances of the application or respondents.
- (2) An application for variation of a maintenance order may be made by-
 - (a) the applicant;
 - (b) a respondent;
 - (c) the Maintenance Officer;
 - (d) an approved person or organization; or
 - (e) in respect, of secured maintenance, the legal personal representatives of a respondent.
- (3) Where a maintenance order was made against more than one respondent or another respondent is joined, the Tribunal may reapportion the maintenance upon an application to vary the maintenance order in such manner as it considers just.
- (4) Where it appears to the Tribunal that in consequence of any decision of a competent Civil Court, any order made under section 7 should be cancelled or varied it shall cancel the order or, as the case may be, vary the same accordingly.

12- Maintenance payable under order of Tribunal to be inalienable-

Maintenance payable to any person under this Act shall not be assignable or transferable or liable to be attached sequestered or levied upon for, or in respect of any debt or claim whatsoever.

13- Enforcement of maintenance order-

- (1) A maintenance order made under this Act shall have the same force and effect as an order passed under chapter IX of the Code of Criminal procedure, 1973 (2 of 1972), and shall lbe executed in the manner prescribed for the execution of such order by that Code.

- (2) An order for maintenance may be executed either by the Tribunal which passed it or by other Tribunal or ordinary Court to which it is sent for execution.
- (3) In addition to the mode of execution of orders referred to in sub-section (1) and (2), a maintenance order passed against a person who is in receipt of salary from any State or Central government or from a local authority or from a Corporation engaged in any trade or industry which is established by a Central or State Government or from a Government Company as defined in section 617 of the Companies Act, 1956 or from any private establishment or any amount so received by any other source may be executed by way of attachment of salary or any amount payable to him.
- (4) Where the salary is attached under sub-section (3), the Tribunal, whether the person liable to pay the amount of maintenance, or the local limits of the Tribunal's jurisdiction may order that the salary not exceeding one-third shall be withheld from such salary by monthly instalments as the Tribunal may direct and upon notice of the order such employer or disbursing officer, shall remit to the Tribunal the amount of monthly instalments.
- (5) Where the attachable portion of such salary is already being withheld and remitted to a court or a Tribunal in pursuance of a previous and unsatisfied order of attachment, the employer or the disbursing officer shall forthwith return the subsequent order to the Tribunal issuing it with a full statement of all the particulars of the existing attachment.
- (6) Every order made under sub-section(3) unless it is returned in accordance with the provisions of sub-section (5), shall without further notice or other process, bind the employer and the employer shall be liable for the sum paid in contravention of the provisions of sub-sections (3),(4) and (5) of this section.

14- Effect of Transfer of property on right of maintenance-

- (1) Where any senior citizen who, after the commencement of this Act, has transferred to his family member, relative or friend, his entire property, by way of gift or otherwise, unconditional or without consideration, as the case may be, the donee/ transferee shall be bound to provide the basic amenities and basic physical needs to the donor/transferor, and if such donee/transferee refuses or fails to provide such amenities and physical needs to the donor/transferor, action shall be taken against such donee/ transferee by the Tribunal at the option of the donor/transferor, in such manner as provided under the provisions of this Act.
- (2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.
- (3) If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 4.

15- Application on behalf of incapacitated applicant-

Where an applicant is unable to make an application under this Act (whether by reason of physical or mental infirmity or for any other reason), such an application may be made on his behalf by-

- (a) Any member of his family; or
- (b) Any person or organisation in whose care he resides; or
- (c) Any other person whom the applicant has authorized to make such application; or
- (d) Maintenance Officer.

16- Maintenance Officer-

- (1) The District Social Welfare Officer concerned shall be the Maintenance Officer within his territorial jurisdiction for the maintenance of parents, grand parents. Senior citizens and dependants;
- (2) The Maintenance Officer may make an application under this Act on behalf of an applicant or a minor child (whether or not the applicant is able to do so) or shall represent the applicant if he so desires during the proceeding of the Tribunal, or the Appellate Tribunal, as the case may be.
- (3) The Maintenance Officer may consult, or direct any of his officers to consult, with the parties concerned in order to assist them to reach agreement by conciliation.

17- Option regarding maintenance in certain cases-

Notwithstanding anything contained in Chapter IX of the Code of Criminal procedure, 1973 (2 of 1974), where a senior citizen or a parent or a grand parent or a dependent is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.

18- Provisions not to be derogatory to certain laws-

The provisions of this Act. shall be in addition to and not in derogation of the provisions of Chapter IX (relation to the order of maintenance of wife, children and parents) of the Code Criminal procedure, 1973 and the provisions of any law for the time being in force in respect of a suit or proceeding for maintenance.

19- Deposit of maintenance amount-

- (1) When an order for maintenance is made under this Act, the children or grand children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.

(2) If, children or grand children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order issue a warrant for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding as the case be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application is made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

20- Award of interest where any claim is allowed-

Where any Tribunal makes any order for maintenance made under this Act, such Tribunal may direct that in addition to the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent and not more than ten per cent:

Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent or grand parent or senior citizen or dependant.

21- Establishment of Appellate Tribunal-

- (1) The State Government shall, within a period of six months from the date of commencement of this Act, by notification in the official gazette, establish an Appellate Tribunal for each district to hear the appeal against the order of the Maintenance Tribunal.
- (2) The Appellate Tribunal shall be presided over by the District judge.

22- Appeals-

- (1) Except as provided in this section the decision of the Maintenance Tribunal shall be final.

Provided that on appeal, the children or grand children or relative as the case may be who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent or grand parent or senior citizen or dependants as the case may be the amount so ordered. In the manner directed by the Appellate Tribunal.

- (2) The applicant, the Maintenance officer on behalf of the applicant, a respondent, an approved person or organisation or any other affected party may, within thirty days from the date of order, prefer an appeal to the Appellate Tribunal from the decision of the Tribunal upon any question of law or of mixed law and fact except in any case where the Tribunal has made the order with the consent of the parties unless it is alleged that the consent was obtained by means of fraud, duress, threat or misrepresentation.
- (3) The Appellate Tribunal shall decide every appeal preferred to it within one month on the receipt of an appeal.
- (4) The procedure governing such appeals under sub-section (2) and (3) shall be the same as that for appeals from decisions of the Civil- judge to the Appellate Tribunal.
- (5) The Appellate Tribunal shall adjudicate and decide upon any such appeal and may confirm, vary or annul the decision of the Tribunal on appeal and make such further order on such appeal, whether as to costs or otherwise, as the Appellate Tribunal may consider fit.
- (6) There shall be no further right of appeal from decisions of the Appellate Tribunal.
- (7) A Copy of every order made under sub-section (5) shall be provided to both the parties free of cost.

23-Bar to legal representation-

Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

24- Costs-

The costs of –

- (a) An application under this Act shall be in the discretion of the Tribunal;
- (b) An appeal shall be in the discretion of the Appellate Tribunal hearing the appeal.

25- Approved persons or organisations- The State Government may approve-

- (a) institutions or organisations engaged in social welfare or the representatives thereof;
- (b) Persons professionally engaged in promoting the welfare of the family;
- (c) Persons working in the field of social welfare; and
- (d) Any other person;

Whose association with a Tribunal would enable it to exercise its jurisdiction more effectively in accordance with the purpose of this Act.

26- Establishment of old age homes-

- (1) The State Government shall establish and maintain such number of Old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of two hundred senior citizens who are indigent.

Provided that, as far as possible, old age homes may be setup close to orphanages.

- (2) The State Government shall, prescribe a scheme for management of old age homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

Provided that State Government shall setup recreation centres for Senior Citizens living in the old age homes for their entertainment.

Explanation – For the purposes of this section, “indigent” means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time to maintain himself.

27- Medical support for senior citizens-

The State Government shall ensure that-

- (i) the government hospitals or hospital funded fully or partially by the Government shall provide for all senior citizens;
- (ii) the private hospitals who have been provided land on concessional rates/ free of cost or other facilities for construction of hospital by the State Government, shall reserve some beds for senior citizens and shall also give concession towards consultation and treatment to them.
- (iii) all senior citizens shall be covered under Group Health Insurance.
- (iv) the doctors working in Government Hospitals to conduct medical camps in various parts of the state especially in rural and far flung areas, to take care of medical needs of older persons.
- (v) the ,Mobile Medicare Unit Programmed may be implemented by the State Government to provide basic essential Medicare at the door steps of needy and under privileged elderly in state.
- (vi) separate queues be arranged for senior citizens;
- (vii) facility for treatment of chronic terminal and degenerative diseases is expanded for senior citizens;
- (viii) research activities for chronic elderly diseases and ageing is expanded;
- (ix) there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

28- Measures for publicity, awareness, etc, for welfare of senior citizen-

- (1) The State Government shall, take all measures to give wide publicity through public media including the television, radio and the print, at regular intervals, the provisions of the Act.

- (2) The State Government may also establish senior citizens service and information centres in each district under the supervision of Maintenance Officer, to provide information on the services/ concessions available to the senior citizens.
- (3) The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens:
- (4) The State Government may setup a Help Line, Counseling Centres etc, to receive and process the representation/ petitions of older persons pertaining to their various problem and to take follow up action thereon and to cater to the emotional needs of the senior citizens and widowed women.

29- Old Age Pension-

The State Government shall introduce and implements an Old Age Pension Scheme, to provide adequate Old Age Pension to such senior citizens having no sufficient means for their livelihood and are resident in the State of Uttar Pradesh.

30- Exposure and abandonment of senior citizen

Whoever, having the care or protection of senior citizen, leaves such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to six month or fine which may extent to ten thousands rupees or with both.

31- Cognizance of offences-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be cognizable and bailable.

(2) An offence under this Act shall be tried summarily by a Magistrate.

32 Officers to be public servants-

Every officer or staff appointed to exercise functions under this act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860)

33- Jurisdiction of civil courts barred-

No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil court in respect of anything which is done or intended to be done by or under this Act.

34- Protection of action taken in good faith-

No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder;

35- Power to remove difficulties-

If difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

36- Power of State Government to make rules-

(1) The State government may, by notification in the Official Gazette, make rules for the purposes of carrying into effect the provisions of this Act.

(2) Every rule made under this Act by the State Government shall be laid, as soon as may after it is made, before each House of State Legislature.

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