**Questionnaire on the rights of older persons with disabilities**

1. **Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities who are ageing and older persons who acquire a disability later in life.**

India having ratified United Nations Convention on Rights of Persons with Disability (UNCRPD) enacted a new legislation, aligning the Convention, named **Rights of Persons with Disability (RPD) Act, 2016**. Recognizing the persons with disabilities' (PWD) right to equality, life with dignity and respect for integrity irrespective of age, gender, caste, race etc., the Act contains provisions for education, skill development, employment, health, rehabilitation and recreation for realization of the rights. The Act also reflects the cross-sectionality between ageing and disability as highlighted in Article 19 (accessibility), Article 20 (personal mobility), Article 25 (health) and many more of the said Convention. Furthermore, parkinson's disease, which mainly affects elderly people, has also been recognized as a disability in the RPD Act.

To ensure that mental healthcare services norms are harmonized and aligned with the UNCRPD the Government of India enacted the **Mental Healthcare Act, 2017**, which replaced the erstwhile Mental Health Act, 1987. It also broadens the definition of mental illness stating that it is "*a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drug*." The aim of the Act is to to ensure access to good quality mental healthcare services provided by Government or Government funded mental healthcare facilities at affordable cost. This Act applies to elderly with mental illness as well.

As health is a major area of concern for elderly with or without disability, the Government of India intervened in it through the **National Programme for Health Care of the Elderly (NPHCE) in 2011**. NPHCE was a fulfillment of the international and national commitments of the Government of India as envisaged under the UNCRPD. The programme provides easy access to the health services through community based primary health care; identify health problems and manage them; building of the capacity of medical and paramedical professionals as well as of the caretakers within the family among others.

Catering to the needs of senior citizens belonging to BPL category who suffer from age related disabilities such as low vision, hearing impairment, loss of teeth and loco-motor disabilities, the Government of India started the **Rashtriya Vayoshri Yojana (RVY)**. The aids and assistive devices viz. walking sticks, elbow crutches, walkers/crutches, tripods/quadpods, hearing aids, wheelchairs, artificial dentures and spectacles are provided to eligible beneficiaries.

In line with the provisions on accessibility as envisaged in Article 9 of UNCRPD, **Accessible India Campaign (AIC)** was launched in December 2015. The vision of the initiative is to build an inclusive society through creation of universal accessibility in built environment, transportation and Information & Communication Technology (ICT) ecosystem. This campaign provides for the mobility needs of both, elderly and persons with disability.

To cater to the needs of economically dependent and Below Poverty Line (BPL) elderly, which includes elderly with disability, the Government has introduced schemes targeted specifically at them. National Old Age Pension Scheme (renamed as Indira Gandhi National Old Age Pension Scheme (IGNOAPS) in 2007) is a big step towards fulfillment of Article 41 (provision for securing the right to public assistance) and 42 (raise levels of nutrition and standard of living) of the Constitution of India. In April 2011, the eligibility age for getting benefit of this scheme was reduced from 65 to 60. Besides, Annapurna Scheme provides food security (35 kg food grains per month free of cost) to senior citizens who are not covered under IGNOAPS. These schemes provide direct income and food security to the elderly covered by the schemes.

1. **Please provide information on discrimination against older persons with disabilities in law and practice**

In India, since all provisions in the RPD Act, 2016 applies universally to all persons with disabilities, as such, there is no discrimination against older persons with disabilities.

1. **Please provide information and statistical data (including surveys, censuses. Administrative data, literature, reports and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas.**

As per the 2011 Census of India, there are 26.8 million persons with disabilities in India who constitute 2.21 per cent of the population. 20% (53,76,205 people) of the population of persons with disability are elderly i.e. 60 years and above.

National Programme for Health Care of the Elderly (NPHCE) in 2011 was implemented with an aim to provide dedicated, specialized and comprehensive health care to the senior citizens at various level of State health care delivery system including outreach services. To address health related problems of elderly people, NPHCE is being implemented in 100 identified districts of 21 states. The various geriatric services under the scheme, as per the Annual Report of Ministry of Health and Family Welfare for the year 2017-2018, are as follows:

* Department of Geriatric has been established in 20 Super Specialized Institutions
* A 10 bedded geriatric ward and dedicated OPD services exclusively for geriatric patients has been approved for 520 districts of 35 States/UTs for implementation under the NPHCE programme during the year 2017-18. Among the sanctioned States/UTs, 233 Geriatric OPDs, 153 Wards, 170 Physiotherapy units and 192 Laboratories at various District Hospitals have been made operational under the programme.

**Access to free or affordable rehabilitation goods and services:** As per Ministry of Social Justice and Empowerment, A total of 1,03,814 people have been beneficiaries to Rashtriya Vayoshri Yojana (RVY) in the year 2018-2019 which caters to needs of senior citizens belonging to BPL category who suffer from age related disabilities through aids and appliances. Out of the total number of beneficiaries, 59363 are Male, 44442 are Female and 9 are Others.

**Access to social protection schemes:** While there is no data available for the Below Poverty Line elderly with disability benefitting from Indira Gandhi National Old Age Pension Scheme, however in the year 2018-2019, a total of 1,80,87,874 (One crore eighty lakhs eighty seven thousand eight hundred and seventy four) persons have been benefitted from the pension scheme.

Further on end of life palliative care, exercise of legal capacity, admission procedures to social and healthcare services, including involuntary admissions, older persons with disabilities living in institutions, access to support to live independently in the community, no statistical data is available

1. **Please provide information on the exercise of long term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities**

The aspect of independence of elderly in general arises as most elderly in India are dependent on their children and when faced with abuse, neglect or mistreatment, are left without support. Deeming this aspect important, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted to provide legal right to claim maintenance and live their life independently. The Act obliges children and relatives to look after the welfare of senior citizens. In cases of violation of the obligation, such as abandonment or negligence, the Act provides speedy procedure to claim monthly maintenance for parents and senior citizen and revocation of transfer of property rights by the senior citizen. The Act further mandates for creating adequate medical facility and security for senior citizen. It also makes imperative for each district to establish at least one old age home for indigent Senior Citizens. Under the Act, Tribunals are constituted to receive complaints from parents seeking maintenance from their children. The Tribunal has power of a civil court. Thus, the Tribunals are grievance redressal mechanism to protect the rights of the elderly. Apart from this the above mentioned schemes and programmes also contribute to support independent living of elderly.

1. **Please describe how access to justice is guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities**

Following are the places where complaints of elderly (with or without disability) in relation to violence, abuse and neglect can be registered with:

* Tribunals set up under the Maintenance and Welfare of Parents and Senior Citizens Act 2007
* National Human Rights Commission
* Chief Commissioner for Persons with Disabilities

1. **Please describe to what extent and how are older persons with disabilities involved in design, planning, implementation and evaluation of policies related to ageing and/or disability**

The National Council for Older Persons (NCOP), established in 1999, is the highest advisory body for the formulation and implementation of the programme for the elderly persons in India. The Council constitutes of the government officials, senior citizens, activists, and civil society organizations working on the issues of senior citizens. The mandate of the National Council of Senior Citizens is to advise the Central and State Governments on the entire gamut of issues related to the welfare of senior citizens and enhancement of their quality of life, with special reference to the following:

* Policies, programmes and legislative measures;
* Promotion of physical and financial security, health and independent and productive living; and
* Awareness generation and community mobilization.

1. **Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.**

The National Human Rights Commission of India's Core Advisory Group on Disability and Elderly Persons has recommended to the Government of India for introduction of a 'Time Bank' scheme in India, wherein people save time for taking care of elderly who need help. Their service hours get deposited into their personal account of social security system. When the volunteers themselves get old and need someone to take care, he/she could use the ‘time bank’ and a volunteer is assigned to take care of him/ her. This model was launched by Switzerland and was adopted by the United Kingdom, and Singapore is also considering for implementing it. As many of the elderly, in India, are now living alone in their home without any support from the family, the Ministry of Social Justice and Empowerment (the nodal ministry concerning older persons in India) was recommended to consider developing a scheme of ‘Time Bank’ (on the lines of Switzerland) on a pilot basis for taking care of the older persons who need help.