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**EMERGING AGEING TRENDS CONSTITUTIONAL AND LEGAL  
SAFEGUARDS RELATED TO ELDERLY AND CRITICAL AREAS OF  
CONCERN; INDIAN PERSPECTIVE**

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**ABSTRACT**

*Global ageing, in developed and developing countries is steady and unidirectional. The notion of a graying population is usually framed in terms of the added demands and pressures they will bring. But although these challenges will be tackled if proper attention and the policies and programmes related to aged are properly and sensible implemented. The main objective of this paper is to explore and review the major policies taken for the welfare of the elderly people in the country of India. A brief demographic scenario of the aged population in India is also highlighted. The initiatives and policy interventions taken by the government, non-government and other bodies to address the emerging ageing issues are also presented. The concept of age has become more complicated because life expectancy has increased and people at each age have had progressively more remaining years of life. This paper reviews the policy interventions addressing the emerging ageing issues in the population and development dynamics context of a developing country in India. Although some policy interventions from different levels are being executed, these are not adequate enough to address the issues. This paper suggests to take this population dynamics positively and initiate appropriate policies and its implementation for the betterment of this population as well as to integrate the issues in the mainstream development activities for a sustainable future of India.*

**Keywords:** *Global, ageing, developed, physical, mental, economic, developing, population, graying, policies, government, welfare, change, sustainable.*

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## POPULATION AGEING

One of the dramatic events of the 20th century has been the unprecedented aging of populations around the world in both the developing and developed countries. In less than a century and particularly in the developed world there has been an average 30-year gain of life expectancy. Nearly 20 percent of that gain was from a base age 65, in addition to the sharp reduction in maternal, childhood and infant mortality rates. By the year 2020 one fourth of the population in many nations will be over 60, and by 2050, every fifth person on the planet will be over 60. At the same time, many developing countries are experiencing a significant downturn in their birth rates, increasing the percentage of older persons in these countries.<sup>1</sup>

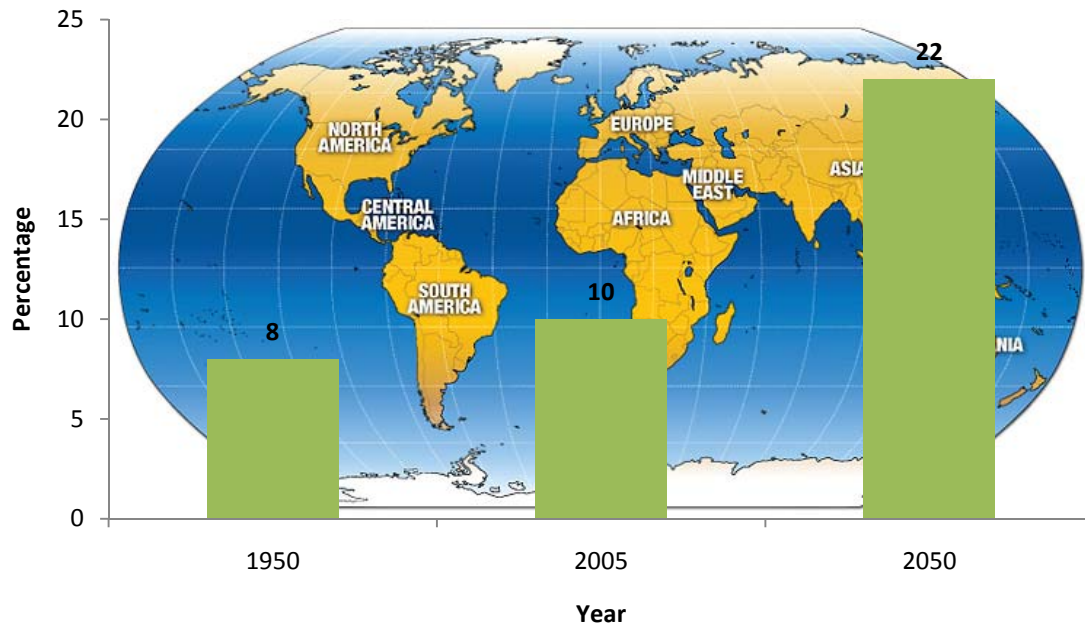
According to the United Nations (UN), "Population ageing is unprecedented, without parallel in human history and the twenty-first century will witness even more rapid ageing than did the century just past. In contrast to the growth of interest in and concern about population aging, the concepts used in analyzing it have remained static. With advances in health and life expectancy, measuring population aging presents a problem to demographers because the meaning of the number of years lived has changed. In Western Europe in 1800, for example, less than 25 percent of males would survive to age 60, while today more than 90 percent of them do. A 60-year-old man in Western Europe today has around the same remaining life expectancy as a 43-year-old man in 1800."<sup>2</sup>

### **Ageing a global phenomena**

While global aging represents a triumph of medical, social, and economic advances over disease, it also presents tremendous challenges. Population aging strains social insurance and pension systems and challenges existing models of social support. It affects economic growth, trade, migration, disease patterns and prevalence, and fundamental assumptions about growing older. Using data from the United Nations, U.S. Census Bureau, and Statistical Office of the European Communities as well as regional surveys and scientific journals, the U.S. National Institute on Aging (NIA), with input from demographers, economists, and experts on aging, identified nine emerging trends in global aging. Together, these trends present a snapshot of challenges and opportunities that clearly show why population aging matters.<sup>3</sup>

During the twentieth century, the proportion of older persons (those aged 60 years or over) continued to rise and this trend is expected to continue well into the twenty first century. For example, the proportion of older persons was 8 per cent in 1950 and 10 per cent in 2005 and is projected to reach about 22 per cent by mid-century (figure I).

**Figure I. Proportion of population aged 60 years or over: world, 1950-2050.**



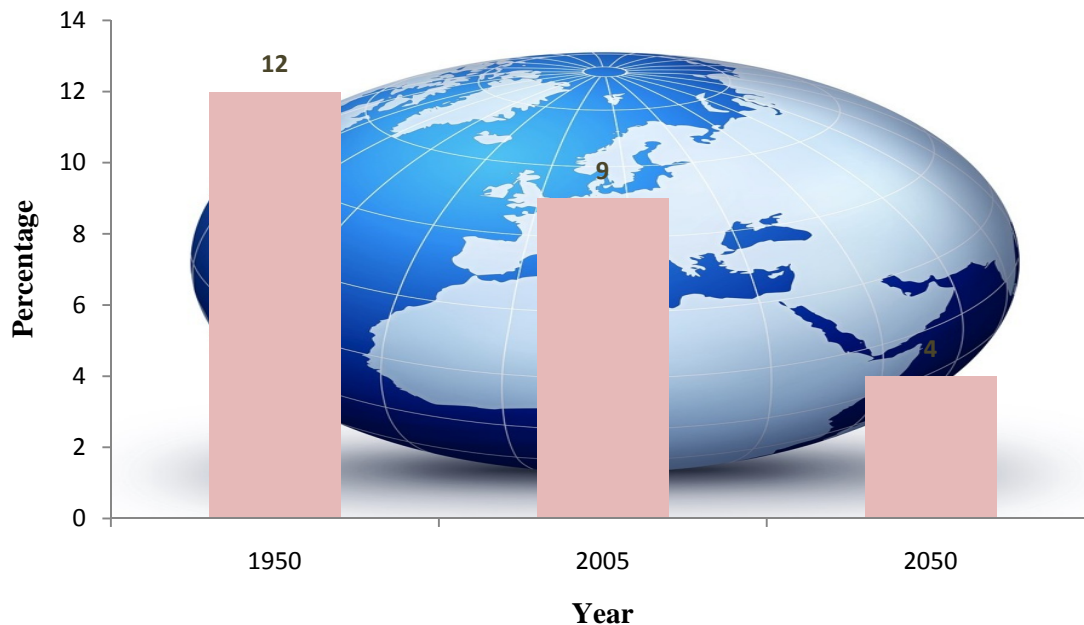
As the twenty-first century began, the world population included approximately 600 million older persons, triple the number recorded 50 years earlier. By 2050, the world is expected to have some 2 billion older persons—once again, a tripling of the number in that age group within a span of 50 years.

Globally, the population of older persons is growing by 2.0 per cent each year, considerably faster than the population as a whole. For at least the next 25 years, the older population is expected to continue growing more rapidly than other age groups. The growth rate of those aged 60 years or over will reach 3.1 per cent annually in the period 2010-2015. Such rapid growth will require far-reaching economic and social adjustments in most countries.

The population of all countries will continue to age substantially. For example, the median age of the world will rise from 28 years today to 38 years in 2050. As already noted the number of persons aged 60 years or over will rise from 10 per cent of the world population today to 22 per

cent in 2050. The percentage aged 80 years or over will rise from just 1 per cent today to 4 per cent in 2050.<sup>4</sup>

**Figure II. Proportion of population aged 60 years or over: world, 1950-2050**



The issue is most immediate in the developed world, although it is also relevant to developing countries. Nearly one in six Europeans is already aged over 65, a figure higher than the proportion under 15. By 2025, the number of over-65s will exceed 20%. In Germany and Italy it has already done so. The United States is younger, but not that far behind Europe as a whole, expecting to break 20% before 2030. Professor Thomas Kirkwood, director of the Institute for Ageing and Health at the UK's Newcastle University, explains that rich countries as a whole are seeing fairly uniform growth in life expectancy of around five or six hours per day. In most developing countries he believes it is faster.

China and India already have the largest and second-largest elderly populations in the world. As the long-term demographic impact of China's one-child policy kicks in, the proportion of Chinese over 65 will grow from around 8% in 2009 to nearly 16% by 2030.

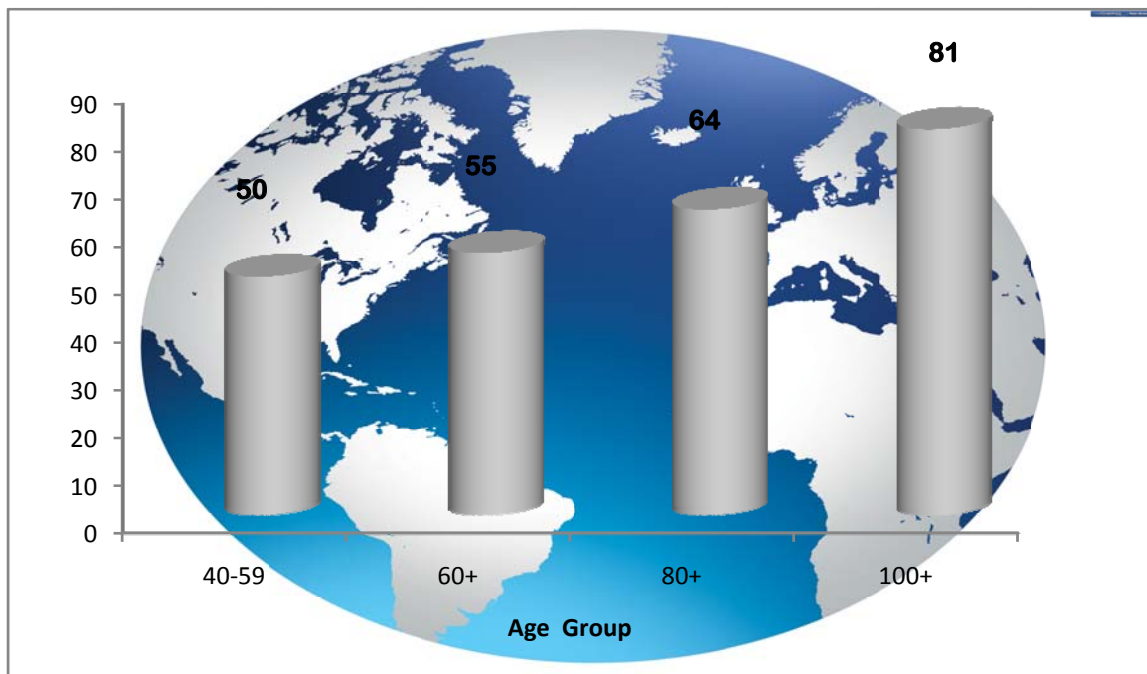
On the one hand, this is old news. Life expectancy-as measured by the highest national figure for females (consistently the longer-lived gender)-has been going up in almost a straight line of three months per year since 1840. Global average life expectancy has also been climbing rapidly.

Fertility rates have also been falling for many years: indeed, analysts speak of a “demographic transition” where as developing countries grow wealthier the average number of children predictably decreases.<sup>5</sup>

The majority of older persons are women, as life expectancy for women is higher than that for men. In 2005, there were 67 million more women than men aged 60 years or over and, at the oldest ages (80 years or above), there were almost twice as many women as men (figure III). The declines in fertility reinforced by increasing longevity have produced and will continue to produce unprecedented changes in the age structure of all societies, notably the historic reversal in the proportions of young and older persons. The profound, pervasive and enduring consequences of population ageing present opportunities as well as challenges for all societies.

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**Figure III. Proportion of women among persons aged 40-59, 60+, 80+ and 100+ years: world,2005**



### Ageing in India

All across Asia, the number of people age 65 and above is expected to grow dramatically over the next 50 years. For the region as a whole, the population in this age group will increase by 314 percent—from 207 million in 2000 to 857 million in 2050 (Table 1). Facing an unprecedented pace of population aging, Asian governments must tackle important policy challenges. How best can the needs of the elderly be met? Will current approaches to support the elderly place an undue burden on the younger generation? And are there dangers that programs for the elderly will undermine economic growth? These issues are also being confronted in the West where population aging is more advanced. But the process of population aging is occurring much more rapidly in Asia than it did in Western countries, and it will occur in some Asian countries at a much earlier stage of economic development.

**Table 1. Projected growth of Asia's elderly population**

Region or Subregion	Number of people age 65 and above (1,000s)			Percent increase 2000–2050
	2000	2025	2050	
Asia	206,822	456,303	857,040	314
East Asia	114,729	244,082	393,802	243
Southeast Asia	24,335	57,836	128,958	430
South Asia	67,758	154,385	334,280	393

*Source:* United Nations (2001).

*Notes:* All data are based on the United Nations medium fertility variant. The analysis includes Taiwan.

## DEMOGRAPHIC TRANSITION IN INDIA

Population ageing is the most significant result of the process known as demographic transition. Reduction of fertility leads to a decline in the proportion of the young in the population. Reduction in mortality means a longer life span for individuals. Population ageing involves a shift from high mortality/high fertility to low mortality/low fertility and consequently an increased proportion of older people in the total population. India is undergoing such a demographic transition.

In 1947, when India became independent from British rule, life expectancy was around 32 years. Improvements in public health and medical services have led to substantial control of specific infectious diseases which translated into significant decreases in mortality rates. Life expectancy

at birth rose steadily and by 1990 had reached 60 years (60.51 for females and 60.31 for males). Improved sanitation, increased attention to maternal health and better child care facilities greatly reduced infant mortality. Government sponsored family planning measures made some impact, especially in urban areas Total fertility rates (i.e. the average number of children a woman will have had by the end of her reproductive life) decreased from 5.97 in 1950 to 3.56 in 1990. It is estimated that by 2000 the crude birth rate may be around 25 and the crude death rate less than 9 per 1,000 populations. The shape of the population pyramid will gradually change from a wide base/narrow top, to a barrel-shaped form.

**Table 2: Growth of elderly population aged 60 and over, by sex, in India 1901- 2001.**

<b>Population 60+ (in millions)</b>			
<b>Year</b>	<b>Persons</b>	<b>Males</b>	<b>Females</b>
1901	12.06	5.50	6.56
1911	13.17	6.18	6.99
1921	13.48	6.48	7.00
1931	14.21	6.94	7.27
1941	18.04	8.89	9.15
1951	19.61	9.67	9.94
1961	24.71	12.36	12.35
1971	32.70	16.87	15.83
1981	43.98	22.49	21.49
1991	55.30	28.23	27.07
2001	75.93	38.22	37.71

(Source: Sharma, S.P. & Peter Xenos. 'Ageing in India: Demographic background and analysis based on census materials' Occasional paper No. 2 of 1992, Office of the Registrar General and Census Commissioner, India, New Delhi, 1992 (4).

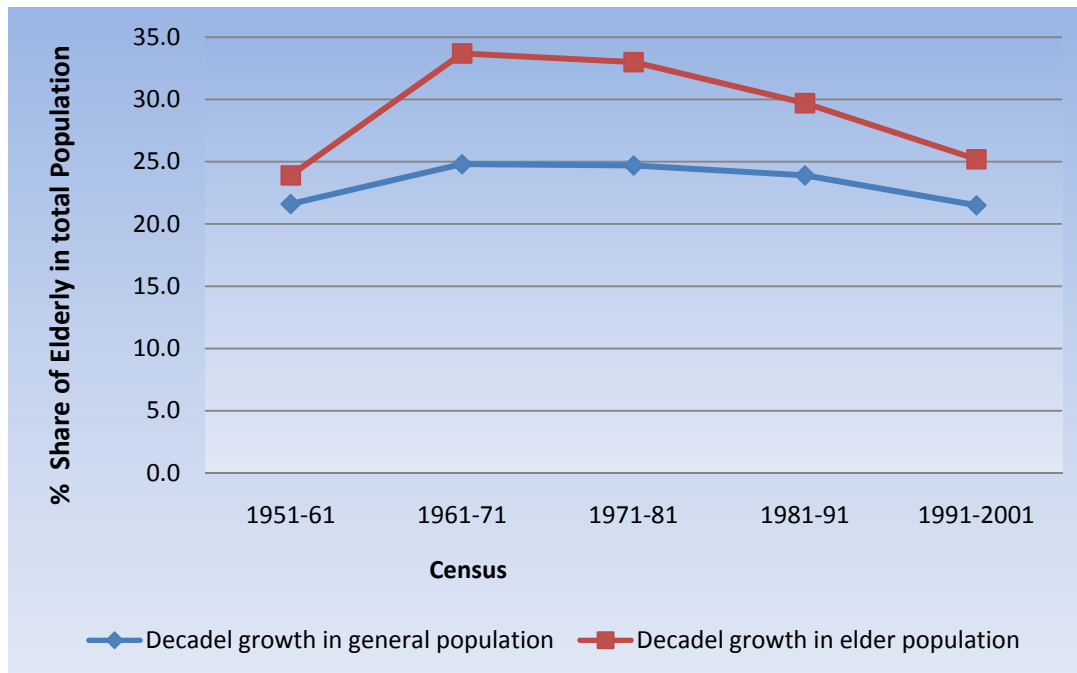
### **Size and Growth of Elderly Population**

In India, as a result of the change in the age composition of the population over time, there has been a progressive increase in both the number and proportion of aged people. The proportion of

the population aged 60 years or more has been increasing consistently over the last century, particularly after 1951. In 1901 the proportion of the population aged 60 or over of India was about 5 percent, which marginally increased to 5.4 percent in 1951, and by 2001 this share was found to have risen to about 7.4 percent. About 75% of persons of age 60 and above reside in rural areas.<sup>7</sup>

The size of the elderly population has risen from 12.1 million in 1901 to approximately 77 million in Census 2001. According to official population projections, the number of elder persons will rise approximately 140 million by 2021

**Fig. IV: Decadal growth of elderly population vis-a-vis that of general population**



India's older population will increase dramatically over the next four decades. The share of India's population ages 60 and older is projected to climb from 8 percent in 2010 to 19 percent in 2050, according to the United Nations Population Division (UN 2011). By mid-century, India's 60 and older population is expected to encompass 323 million people, a number greater than the total U.S. population in 2012. This profound shift in the share of older Indians-taking place in the context of changing family relationships and severely limited old-age income support-brings with it a variety of social, economic, and health care policy challenges.



The National Institute on Aging (NIA) supports research on the health, social support, and economic security of India's elderly population. This newsletter highlights some of the recent research by NIA-supported investigators and others that can inform policy decisions as India and other developing countries plan for aging societies. Also included in this newsletter are findings from the recent pilot phase of the nationally representative Longitudinal Aging Study in India (LASI).<sup>8</sup>

## DEMOGRAPHIC TRENDS

India is a vast country both in terms of area and population. Spread over 3,288,000 square kilometers, the population of India, which was around 350 millions in 1947 when the country gained independence, is at present estimated to be over 1.02 billions as per projections of 2001 Census. The population of India is expected to increase from 1.01 billion to 1.4 billion during the period 2001-2026 i.e. an increase of 36 per cent in twenty-five years at the rate of 1.2 per cent annually. The life expectancy, which was around 29 years in 1947, is now closer to 65 years. The same is expected to increase to 71 years by 2026.

Between 2001 and 2026, due to declining fertility, the proportion of population aged under 15 years is projected to decline from 35.4 to 23.4 percent; the proportions of the middle (15-59 years) and the older ages (60 years and above) are set to increase considerably. With the declining fertility, coupled with the increase in life expectancy, the number of older persons in the population is expected to increase by more than double from 76 million in 2001 to 173 million in 2026 – an increase in their share to the total population from 7.4 to 12.4 per cent. The proportion of population in the working age group (15-59 years) is expected to rise from 57.7 per cent in 2001 to 64.3 per cent in 2026. The sex ratio of the total population (females per 1000 males) is expected to decrease (i.e. become less feminine) from 933 in 2001 to 930 during 2026. However, on the contrary, sex ratio among the 60+ is expected to rise i.e. older women will outnumber their male counterparts.

The Projected Population aged 60+ by sex as per the Report of the Technical Group on Population Projections constituted by the National Commission on Population, May 2006 published by the Office of the Registrar General, India is as under:-

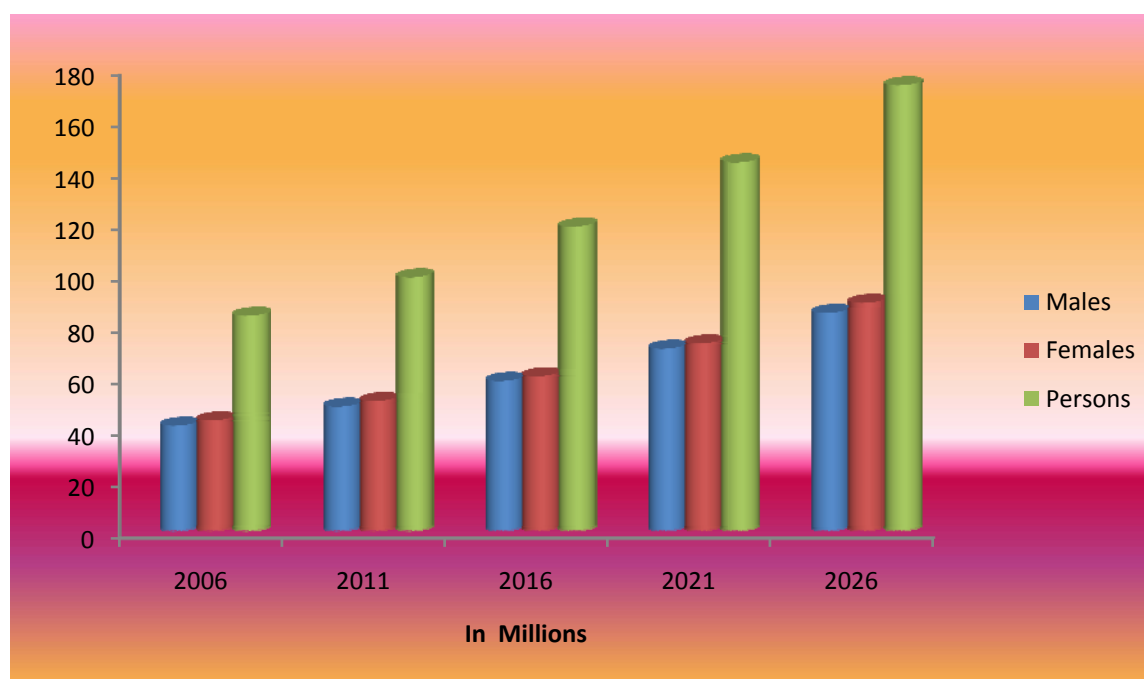
**Table 4. The Projected Population of aged 60+ in India**

Year	Males	Females	Persons
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2006	40.75	42.83	83.58
2011	48.14	50.33	98.47
2016	58.11	59.99	118.10
2021	70.60	72.65	143.25
2026	84.62	88.56	173.18

( In millions)

**Figure.V The Projected Population of aged 60+ in India**



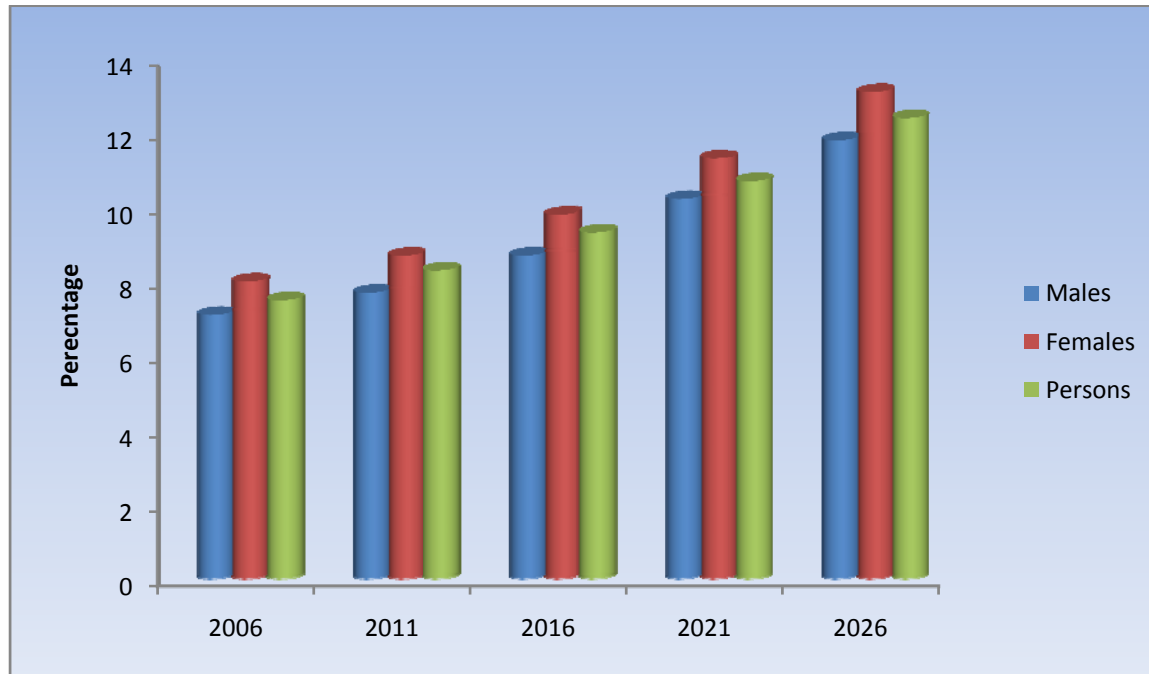
**Table. 5 The percentage share of the projected population aged 60+ in the total projected population by sex is as under:**

Year	Males	Females	Persons
2006	7.10	8.00	7.50
2011	7.70	8.70	8.30
2016	8.70	9.80	9.30
2021	10.20	11.30	10.70

2026	11.80	13.10	12.40
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(Source: Office of the Registrar General of India)

**Fig. VI The percentage share of the projected population aged 60+ in the total projected population by sex is as under:**



Continuous increase in life expectancy means that more people are now living longer. While in 1996, about 6.6% of the total population was aged 60 years and above, the figure is projected to rise up to 12.40% in 2026. The percentage of females aged 60 years and above out of the total female population has always been more than the corresponding percentage of males. While in 1996, 6.68% of females and 6.67% of males were aged 60 years and above, these figures are projected to rise up to 13.10% for females and 11.80% for males by the year 2026. Further, the expectation of life at 60 for females has increased at a faster rate as compared to that for males.

The profile of the elderly population indicates that: (a) a majority of them are in rural areas, thus making service delivery a challenge, (b) feminization of the elderly population would take place (By the year 2016, 51% of the elderly population would be women) and (c) an increase in the number of the older-old (persons above 80 years) would be seen.

### **Constitutional and Legal Safeguards**

- The well being of the Older Persons has been mandated in the Constitution of India. Article 41 of the Constitution provides that the State shall make effective provisions 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 under served want within the limits of its economic development and capacity .
- Item 9 of the State List and Items 20,23 and 24 of the Concurrent List (that are part of the Constitution of India) relate to provisions of old age pension, social security, social insurance, economic and social planning and relief to the disabled and the unemployed. The Government of India is committed to provide an enabling environment to secure the goals of economic and social security for the elderly population. The non-governmental organizations, citizens and the community have to be partners in the campaign towards securing a society for all ages.
- Section 20(3) of the Hindu Adoption and Maintenance Act, 1956 makes it obligatory on the part of every Hindu to maintain his aged or infirm parents.
- Article 41 of the Constitution of India is reinforced by Section 125 of Code of Criminal Procedure, 1973 under which every person having sufficient means is required to maintain his parents if they are unable to maintain themselves.
- Maintenance of Infirm and Aged is provided for in Muslim Personal Law also.
- The Himachal Pradesh Maintenance of Parents and Dependent Children Act, 2001 provides a simple procedure for maintenance to be given for parents being ignored by their children.

### **Maintenance and Welfare of Parents and Senior Citizens Act2007**

The Act on Maintenance and Welfare of Parents and Senior Citizens, 2007 was passed by the Parliament on December 6, 2007 and has been notified on December 31, 2007 by the Gazette of India as Act 56 of 2007. The Salient Features of the Act ensure maintenance of Parents and Senior Citizens within their family; places a legal obligation on children and relatives to maintain their Parents; prescribes setting up of Tribunals for quick settlement of maintenance claim; avoids Cumbersome Legal Procedure and recommends setting up Old Age Homes in all Districts.

### **Policy Initiatives**

The Ministry of Social Justice and Empowerment acts as the nodal agency with regard to ageing

issues. It provides basic policy guidance, the roadmap for implementation of the same and also coordinates with stake holders such as the other Ministries of the Central Government and the State Governments, NGOs, Civil Society Institutions etc.

### **National Policy on Elder Persons (NPOP)**

The Ministry of Social Justice and Empowerment announced the National Policy on Older Persons in 1999 to reaffirm its commitment to ensure the well-being of the older persons in a holistic manner. Reiterating the mandate enshrined in Article 41 of the Constitution of India, the Policy has brought the concern for older persons on top of the National Agenda. The National Policy envisages State support to ensure financial and food security, health care, shelter and other needs of older persons, equitable share in development, protection against abuse and exploitation and availability of services to improve the quality of their lives.

### **The NPOP broadly provides for the following to fulfill these objectives:**

#### **1. Financial security:**

Financial security through coverage under Old Age Pension Scheme for poor and destitute older persons, better returns on earnings/savings of Government/Quasi-Government employees' savings in Provident Fund, etc., creating opportunities for continued education/skill up-gradation ensuring thereby continued employment/self-employment and income generation and provision for Pension Scheme for self-employed, employees of the non-formal, and non- governmental sector.

#### **2. Health Security :**

The NPOP recognizes special health needs of the older persons to be met through strengthening and reorienting the public health services at Primary Health Care level, creation of health facilities through non-profit organizations like trust/charity, etc., and implementing health insurance.

#### **3. Recognizing Shelter as basic human need:**

The NPOP provides for earmarking 10 percent of the houses/housing sites in urban as well as rural areas for older persons belonging to the lower income groups, special consideration to the older persons falling in the category of Below Poverty Line (BPL) and destitute in housing schemes like Indira Awas Yojana, loans at reasonable interest rates and easy repayment installments with tax relief for purchase of houses etc.

#### **4. Education/information needs:**

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Education/information needs of older persons too have got adequately reflected in the National Policy. Education/information material relevant to the lives of older persons should be developed and made available through mass media. Education, training and information being the important human requirement, the NPOP provides for proactive role in ensuring the same by disseminating knowledge about preparation of Old Age. It is also emphasized for schools to have programme on inter-generational bonding.

#### **5. Welfare and Institutional Care:**

Institutional Care has been provided for in the NPOP as the last resort. The care in non-institutional set up i.e. within family and the community needs to be strengthened and encouraged. This apart, the State should also create infrastructure in partnership with voluntary organizations to provide for poor, destitute and neglected older persons whose care cannot be ensured within the family. This is to be ensured through Old Age Homes and other such institutional facilities that would be needed. Voluntary efforts need to be encouraged for creating facilities for day care, outreach services, multi-service citizen centres, etc.

#### **6. Protection of Life and Property of Older Persons:**

The State has to gear up security network to save older persons from criminal offence and police is required to keep friendly vigil. Early settlement of property/inheritance disputes is to be done, safeguards to protect them from fraudulent dealings in transfer of property through sale Will are to be put in place and free legal aid and toll free helpline services are to be placed across the country. Maintenance of elderly within family resorting to the provisions of law viz. Criminal Procedure Code, (Cr.P.C.) 1973, Hindu Adoption and Maintenance Act. (HAMA) 1956 etc., whenever needed is required to be ensured.

#### **7. Training of Human Resource Care for Older Persons:**

The Policy lays emphasis on need for trained personnel/care givers. This envisages the training of human resource in the areas like specialization in Geriatrics in medical courses, special courses on Geriatric Care in nursing training, training of social workers specially for geriatric care and professional caregivers.

#### **8. Media:**

The Policy enjoins upon media to take up a special responsibility for the care of older persons. Media is to play a role in identifying emerging issues and areas of action, dispelling stereo-types and negative images about the old age, maintaining restraint from creating fear psychosis by

responsible reporting, promoting intergenerational bonds and informing individuals/families/groups with appropriate information on ageing process. Many State Governments have adopted their State Policies on Older Persons to suit local ethos and conditions. These States are Andhra Pradesh, Delhi, Goa, Karnataka, Kerala, Maharashtra and Mizoram.

### **National Council for older persons (NCOP)**

In pursuance of the announcement of the National Policy, the Government has set up a National Council for Older Persons (NCOP) headed by the Minister for Social Justice and Empowerment. Its primary function is to advise and aid the Government on policies and programmes for older persons and also to provide the feedback to the Government on implementation of the National Policy. The NCOP is the highest body to advise and coordinate with the Government in the formulation and implementation of policy and programmes for the welfare of the aged. The Council also works as a nodal point at the national level for redressing the grievances of the older persons and to represent their collective opinion to the Government of India. The NCOP members are experienced and well-known individuals representing NGOs, citizen's groups, retired person's associations and from the field of law, social welfare and security, research, and medicine.<sup>9</sup>

### **CONCLUSIONS**

The world stands on the edge of a stunning demographic transformation brought about by declining fertility and rising life expectancy. Increasing number of the elderly people and the related socio-economic and gerontological aspects are gradually emerging as important concerns for the entire society. Although the percentage of the elderly people is still not very high, the absolute number of the elderly people is absolutely high to get serious attention from the policy levels. The economic and social consequences of population-ageing in India present significant challenges for policy makers as there is increasing concerns about the financial and social consequences of widespread population ageing. Population ageing raises many fundamental questions for policy-makers. How do we help people remain independent and active as they age? How can we strengthen health promotion and prevention policies, specially those directed to older people? As people are living longer, how can the quality of life in old age be improved? Will large numbers of older people bankrupt our health care and social security systems? How do we best balance the role of the family and the state when it comes to caring for people who

need assistance, as they grow older? How do we acknowledge and support the major role that people play as they age in caring for others? These are the few perplexed questions which the policy makers have to curb in mind while framing policies and programmes for elderly. These policies and programmes should be based on the rights, needs, preferences and capacities of older people. They also need to embrace a life course perspective that recognizes the important influence of earlier life experiences on the way individual age. As population ageing is one of humanity's greatest triumphs. At the same time, older people are a precious, often ignored resource that makes an important contribution to the fabric of our societies.

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