Natural Resources for Human Health
eISSN: 2583-1194

Original Research

Received 18 April 2026
Revised 20 May 2026
Accepted 16 June 2026

Natural Resources for Human Health 2026, Vol. 6 (5s): 95–105

KEYWORDS:
Senior Citizen Rights; Comparative Socio-Legal Study; Ageing Population; Social Protection; South Asia.

Comparative Study of Senior Citizen Rights: References from India, Bangladesh, Nepal, and Sri Lanka

Ms. Saptaparni Raha

Doctoral Research Scholar, School of Law, Brainware University
E-mail ID: saptaparniraha475@gmail.com

ABSTRACT: Population ageing has emerged as a significant socio-legal challenge across South Asia, demanding robust legal frameworks and inclusive social policies to safeguard the rights and well-being of older persons. This paper presents a comparative study of senior citizen rights in India, Bangladesh, Nepal, and Sri Lanka by examining constitutional provisions, statutory protections, social security mechanisms, healthcare policies, and institutional support systems. Employing a comparative socio-legal methodology based on legislative analysis, policy documents, international conventions, and secondary literature, the study explores how each country addresses issues of income security, healthcare access, elder abuse, social inclusion, and family responsibility. While India has enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Nepal has incorporated elderly welfare within its constitutional framework and social protection policies. Bangladesh and Sri Lanka have similarly introduced legal and welfare measures, although implementation remains constrained by limited institutional capacity, demographic transitions, and resource disparities. The study identifies common regional challenges, including inadequate pension coverage, rising healthcare costs, changing family structures, and insufficient protection against elder abuse and neglect. It argues that despite varying legal approaches, all four countries face a gap between legislative intent and effective implementation. The paper advocates a rights-based and regional framework for elderly welfare grounded in international human rights standards, stronger institutional accountability, community-based care, and enhanced cross-border policy cooperation. Such an approach would contribute to promoting dignity, social justice, and healthy ageing for senior citizens across South Asia.

INTRODUCTION

Growing older is a normal and physiologic process. The rights of the elderly deserve additional protections because of the numerous illnesses that are specific to this age group. Many laws in India are largely designed to safeguard the nation's elderly population. These regulations safeguard many aspects of their lives, including their access to social security, healthcare, financial support, and protection from abuse and neglect. The Indian government's 2007 Maintenance and Welfare of Parents and Senior Citizens Act is one of the most important legislation pertaining to elder care. This rule was enacted to guarantee that children or legal successors would take care of their ageing parents and seniors and provide them with basic comforts, healthcare, and financial support. In addition, the law establishes old age homes and other institutions for the elderly and penalises those who do not follow its guidelines. Additionally, the law creates tribunals to hear cases pertaining to the care and well-being of senior citizens and their parents. The Supreme Court has said that the Society's locus standi is unquestionable because it was seeking to enforce rights which might help a large population of society i.e. elderly people," according to the ruling in D.S. Nakara v. Union of India. In a 1999 letter, the Hon'ble Chief Justice of India instructed Chief Justices of all High Courts to give precedence to cases involving the elderly and to resolve them as soon as possible. An example of this is the recent declaration made by the Mumbai High Court that "it would give out of turn priority to hearing and disposal of petitions wherein litigants have crossed

65 years of age." Reports from Help Age India, among many others, suggest that an emerging tendency in society is asking elderly family members to live apart since their problems are seen as a burden by younger family members. The research clearly shows that health issues are increasingly common in the elderly as they get older, and because they depend on outside money, they are unable to receive medical care. Things even get worse in the lower group. Furthermore, the Indian government has initiated several initiatives aimed at improving the standard of living for elderly citizens. These include programmes such as the National Programme for Healthcare of the Elderly, which focuses on providing healthcare services to older individuals, and the Integrated Programme for Older Persons, which provides social and financial support to senior inhabitants. The government has formed the National Council for Older Persons to provide direction and assistance in the creation of programmes and policies that enhance the quality of life for elderly individuals. Overall, through a number of legislation and programmes, India has made great progress towards meeting the requirements of its ageing population. Nonetheless, there are still problems that must be solved, such as those involving elder abuse and neglect, subpar medical facilities, and a lack of funding for the elderly. Completing this research is essential in order to understand the legal framework that now safeguards the rights of the elderly. The reason for conducting this study is that ageing is a global concern. The researcher would attempt to concentrate on evaluating the current problem and the legal framework in order to protect their rights. The researcher would also attempt to determine the present status of their protection and rights violations by examining the NGO's report.[1]

DEFINITION OF THE TERM ELDERLY PERSONS

According to his study, "It is now appropriate to define terms for the smooth operation of research and make potential proposals to overcome this problem, having recognised various aspects relating to adult terms." None of this is possible without a clear explanation of the research issue's fundamental concepts. In most industrialised countries, 65 is the official definition of "adult" or "elderly," however this is not a phrase that applies everywhere, just like many other Western concepts. According to the Friendly Society Act of Britain (1875), the criteria are highly subjective and often relate to the age at which an individual begins to get pension benefits. There are currently no exact numerical standards, however the United Nations has determined that the gap for older people is 60 years. Age was defined as "all ages after 50 years" by the UK Friendly Societies Act in 1875".[2] A "senior citizen" is any Indian citizen sixty years of age or older, according to the Welfare of Parent and Senior Citizen Act of 2007. The Act makes it clear that a parent may also be considered a senior citizen if they are unable to support themselves through their own work or donations from property they own."[3]

RIGHTS OF ELDERLY PERSONS: INDIAN LEGAL FRAMEWORK

The Indian government has clearly played a significant role in ensuring the safety of elderly individuals. With the current trend of an increasing number of elderly people, projected to rise from 8% in 2015 to 19% by 2050, and potentially reaching 34% of the total population by the end of the century, there's a growing need for focused attention on their well-being.[4] Globalization is quietly reshaping both society and the economy, leading to changes in social structures such as the breakdown of extended families into smaller units.

CONSTITUTIONAL PROVISIONS PERTAINING TO ELDERLY PERSONS

As people age, they often face physical and mental health issues, rendering them unable to work and support themselves financially. This reliance on family can sometimes lead to neglect and abuse. The Indian Constitution includes provisions aimed at safeguarding the elderly, with the judiciary interpreting these protections as part of the right to life enshrined in Article 21, even though it's not explicitly listed as a fundamental right[5]. Article 38(1) emphasizes that states should work towards enhancing the well-being of their citizens by establishing and safeguarding a social system where justice, encompassing social, economic,

[1] Ashutosh Yadav, Legal protection to elderly persons in India retrospect and prospect (2021),(unpublished LLM dissertation, Banaras Hindu University), IOSR Journal Of Humanities And Social Science (IOSR-JHSS), Volume 28, Issue 1, Series 1 (January, 2023) 15-20

[2] Friendly Society Act of Britain 1875

[3] Section 4(i) of the Maintenance and welfare of parents and senior citizens Act,2007

[4] PTI, Share of population over age of 60 in India projected to increase to 20% in 2050:UN , The Economic Times,(17/4/2019)

[5] See constitution of India , Article 21

eISSN: 2583-1194

and political aspects, is fundamental to all national institutions.[6] *Article 39(e) mandates that the government ensures the well-being of workers, including men, women, and children, by preventing their exploitation and ensuring they are not compelled to work in occupations that are not suitable for their capabilities due to economic pressures.*[7] *Article 41 of the constitution states that the government must, within its economic means and progress, ensure access to employment, education, and public aid for situations such as unemployment, old age, illness, disability, and other instances of need.*"[8]

LEGISLATIONS PERTAINING TO ELDERLY PERSON

PROTECTIONS UNDER CRIMINAL PROCEDURE CODE

Section 125 of Cr.P.C. provides right to elder parents that they can claim maintenance from their children. This section makes it compulsory for sons and daughters (including married daughter) to maintain their parents. Section 125(1) (d) of Cr.P.C. makes a provision that a Magistrate can order children to pay monthly allowance for maintenance of their parents.[9]

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT

The Act was enacted to protect elderly persons in India and guaranteed maintenance and welfare to them.

a) "Children" includes son, daughter, grandson and grand-daughter but does

not include a minor;

b) "Maintenance" includes provision for food, clothing, residence and

medical attendance and treatment;

c) "Minor" means a person who has not attended the age of majority as mentioned under Indian Majority Act, 1875;

d) "Parent" means father or mother whether biological, adoptive or stepparents, as the case may be;

e) "Prescribed" means as prescribed by the rules;

f) "Property" means property of any kind (movable or immovable, self

acquired or ancestral etc.);

g) "Relative" means any legal heir who is not a minor;

h) "Senior Citizen" means a person who is citizen of India and have attained

the age of sixty years or above;[10]

Maintenance of Parents and Senior Citizens

According to Section 5 of the Act

Parent or grand- parent can make an application against one or more

of his children if he is not a minor;

ii. Any childless senior citizens can make an application against such

of his relative referred to in clause (g) of Section 2;

iii.The obligation of the children or relative (as the case may be) to maintain a senior citizen so that he can lead a normal life;

iv.The obligation of the children to maintain their parents (mother or father) so that they can lead a normal life.

[6] See constitution of India, Article 38(1)
[7] See constitution of India, Article 39(e)
[8] See constitution of India, Article 41
[9] See code of criminal procedure,1973,Section 125
[10] See The Maintenance and Welfare of Parents and Senior Citizens Act,2007,section 2(a) to 2(h)

(2) Any person who is relative of a senior citizen and in at present or in future he will inherit the property of that such senior citizen: Provided if there are more than one relative who are entitled to inherit the property of a senior citizen then the maintenance in which relatives will inherit the property.[11]

Jurisdiction and Procedure

(1) The proceedings of case under Section 5 may be made against any child or relative in any districta) Where he resides or last resided or

b) Where children or relative resides.(2) The tribunal shall issue a process to procure the presence of children or relative against when the person has filed an application under Section 5.The tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973 so that it can secure the attendance of children or relative.

(4)All the evidences of such type of cases must be taken in the presence of children or relative against whom the application has been filed and must be recorded in such a manner that is prescribed for summons cases; Provided that if the Tribunal is satisfied that children or relative are willfully neglecting to attend the Tribunal or avoiding the service then it may proceed the case Ex parte.[12]

Order for Maintenance

(1) If children or relative refuse or neglect to maintain a senior citizen who is not able to maintain himself then Tribunal on being satisfied may order them (children or relative) to make a monthly allowance at a monthly rate as it may deem fit.

(2) The maximum maintenance allowance ordered by Tribunal should be as prescribed by State Government and it shall not exceed ten thousand rupees per month.[13]

Deposit of Maintenance Amount

When Tribunal make an order under the Section 5 then children or relative is as the case may be is required to deposit the entire amount ordered within thirty days of the date of announcement.

(1)If any senior citizen or parent, as the case may be, is not satisfied with the order of the Tribunal then he can make an appeal to the Appellate Tribunal within sixty days from the date of order; Provided that the children or relative who has been ordered to pay the maintenance shall continue to pay the amount; Provided that the Appellate Tribunal may entertain the appeal after the expiry of the period i.e. sixty days if it is satisfied.

(2) The Appellate Tribunal on receipt of an appeal shall cause a notice which is to be served upon the respondent.(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.[14]

Provisions for Medical Care of Senior Citizen

The State Government shall ensure that:

(1) The government hospitals or the hospitals which are funded by government fully or partially shall provide beds to all senior citizens as far as possible;

(2) The separate queues are arranged for senior citizens;

(3) The facilities for treatment of chronic terminal and degenerative diseases is expanded for senior citizens;

(4) The researches activities related to chronic elderly diseases and ageing is expanded;

[11] Ibid section 4
[12] Ibid section 6
[13] Ibid section 6
[14] Ibid section 13

(5) The facilities for geriatric patients should be there in every district hospital duly headed by an expert geriatric medical officer.[15]

Establishment of Old Age Homes

(1) The State Government may, in a phased manner, create and maintain the appropriate number of old age homes, beginning with a minimum of one old age home each district that can house 150 senior persons. Old age homes need to be located in easily accessible areas. (2) The State Government may establish a management plan for senior living facilities, which may include the requirements to be met there as well as a range of services (including those linked to healthcare) and entertainment options for the residents.[16]

Transfer of Property to be void in certain circumstances

1) Following the implementation of this Act, any senior citizen who transfers property to a transferee as a gift or otherwise is subject to the transferee's provision of basic amenities and needs. Should the transferee fail to meet the transferor's needs, the transfer of property will be considered fraudulent or the result of coercion or undue influence, and the transferor may choose to have the transfer declared void by the Tribunal.

(2) If an estate belongs to a senior citizen and that state or any portion of it is transferred, that senior citizen's right to maintenance may be enforced against the transferee if that person has notice of the right, but not against the transferee if that person has no notice of the right.[17]

Offences and Procedure for Trial Exposure and abandonment of senior citizen

This Act will be enforced if someone has a duty or notice to care for or protect an elderly person and they fail to do so. As a type of punishment, one may get a fine of up to five thousand rupees, three months of incarceration, or both. Acceptance of Misconduct. (1) Unless otherwise stated in the Code of Criminal Procedure, 1973, any act committed under this Act is punishable by law and subject to bail. (2) Any crime under this Act shall be tried summarily by a magistrate.[18]

Critical Analysis of the Maintenance Act 2007

This Act contains a number of provisions that may be challenging to implement. This Act disobeys the Constitution's (Article 41) requirement that the State assist the general public in old age. It specifies that the State Government may create and operate senior living facilities. It is not necessary for the State Government to construct the senior living facilities only because "may" is used rather than "must." It's also astounding that an Act is regulating the precise measurements of an assisted living facility.A first class Magistrate may order someone to pay Rs. 500 in maintenance to their parents or wife, including a divorced wife or children, per month under the current Cr.P.C. (Section 125) provisions, despite the Bill's requirement that children, grandchildren, or other legal heirs provide support for an elderly person).[19]

Difference between Sec. 125 Cr.P.C. and Senior Citizens Act, 2007 Application for Maintenance:

While Section 5(1) of the Maintenance and Welfare Act, 2007 states that senior persons as well as parents may bring a case for maintenance, Section 125 Cr.P.C. solely pertains to parents and their ability to file a lawsuit.(3) Jurisdiction: Parents may bring a maintenance claim at the address where their children reside, according to Section 125 Cr.P.C.[20]However, Section 6(1) of the Maintenance and Welfare Act, 2007 states that elderly parents or other parents may bring a complaint from any location, including their home or the residence of their children or relatives.[21]

---

[15] Ibid section 20
[16] Ibid section 19
[17] Ibid section 22
[18] Ibid section 24
[19] Indian Express, Good Idea, Bad Law, available at http://archive.indianexpress.com/news/ (last visited on 5.04.23)
[20] Supra note code of criminal procedure,1973,Section 125
[21] Supra note The Maintenance and Welfare of Parents and Senior Citizens Act,2007,section 6

eISSN: 2583-1194

Maintenance Tribunal: Only a first class magistrate is authorised to order maintenance under Section 125 Cr.P.C., but Section 7 of the Maintenance and Welfare Act of 2007 directs the formation of a Maintenance Tribunal, which will hear cases and make decisions under the direction of a Sub-Divisional Officer (SDO), or Sub-Divisional Magistrate.[22]

RIGHTS OF ELDERLY PERSONS IN BANGLADESH

The elderly population in Bangladesh is rapidly growing, raising significant social, economic, and political concerns. Despite this, the issue has not been adequately addressed in the country's policy agenda. Defining old age universally is challenging, but in gerontological studies, individuals over 60 are typically considered 'elderly.' In Bangladesh, anyone aged 60 or older falls into this category. However, due to factors such as poverty, strenuous labor, illness from malnutrition, geographical conditions, and the impacts of rapid urbanization and industrialization, many individuals in Bangladesh age prematurely, often before reaching 60. According to the 2011 population census, 7.4% of Bangladesh's population was elderly. This proportion is expected to rise to 8.0% by 2020, 11.9% by 2035, and 17.0% by 2050. The median age in Bangladesh is projected to increase by approximately 15 years from 2000 to 2050. The ageing index, which is the ratio of people aged 60 or over to children under 15, is projected to be about 5.7 times higher over the same period due to an increase in the elderly population and a decrease in the youth population. Additionally, the old-age dependency ratio is expected to nearly triple between 2000 and 2050. Life expectancy in Bangladesh has also improved significantly, rising from 39.93 years at independence to 68 years in 2011, contributing to the rapid growth of the elderly population. In Bangladesh, the aging process is occurring amid significant lifestyle changes, weakening kinship ties, and swift alterations in family structure. The elderly population is growing rapidly, and this increase, coupled with socio-economic transformations, is creating challenging conditions for them. Besides the unavoidable medical issues that accompany old age, there are numerous associated psycho-social problems. These include physical frailty, social isolation, neglect from their children, and reliance on hired domestic help, making them more susceptible to violent crimes targeting their material possessions. Consequently, they often feel unwanted by their families, society, and the state.

POLICIES AND LAWS REGARDING ELDERLY PEOPLE IN BANGLADESH

The Constitution of Bangladesh outlines the rights of elderly individuals, specifically their entitlement to social security and public assistance in cases of dire need due to old age, unemployment, illness, disability, or situations affecting widows, orphans, and similar circumstances. These rights are detailed in Section 15(d) under "Provision of Basic Necessities" in Part II of the Constitution. Additionally, the provision mandates basic necessities for all citizens, including food, clothing, shelter, education, and medical care; the right to work and earn a reasonable wage; and the right to adequate rest, recreation, and leisure, as described in clauses 15(a), 15(b), and 15(c).

Bangladesh Population Policy

Although the main emphasis of the Bangladesh Population Policy is to improve the status of family planning, maternal and child health including reproductive health services, it has paid considerable attention for the welfare of elderly of elderly people of the country. The following two objectives are directly related to the wellbeing of the elderly. 1. Activity support measures to provide food and social security and shelter for the disadvantaged including elderly, destitute, physically and mentally retarded persons; and 2. Support poverty alleviating strategies and conductive environment for improved quality of life.

3.3.1.3 National Health Policy

The National Health Policy 2008 identifies emerging issues concerning elderly people as 'current and upcoming challenges.' The policy aims to implement the Poverty Reduction Strategy Paper (PRSP) and the Millennium Development Goals (MDGs), focusing on sustainably improving the health, nutrition, and family welfare of the population, especially the poor and vulnerable groups such as women, children, and the elderly. Additionally, it seeks to address their economic and social emancipation.

3.3.1.4 Pension

There is an opportunity for retirement incentives for government employees in Bangladesh, but they make up only a small portion of the total population. Meanwhile, 80% of the labor force in Bangladesh is based in rural areas, primarily working in

[22] See The Maintenance and Welfare of Parents and Senior Citizens Act,2007,section 7

agriculture. Many older individuals are also employed in non-governmental industries or organizations and do not qualify for pensions.

3.3.1.5 Old Age Allowance Programme

The Old Age Allowance, a pioneering policy aimed at enhancing the wellbeing of the elderly in Bangladesh, was introduced in the Fifth Five Year Plan (1997-2002). Its primary objectives include poverty alleviation and the improvement of health, nutrition, and family welfare for elderly citizens. Initially, the scheme had a budget of 125 million Tk., providing a monthly allowance of 100 Tk. each to ten impoverished elderly individuals per ward in each union, with at least five of these recipients being women. Over time, both the scope and the allowance amount have been increased through various fiscal policies. Currently, 2.725 million impoverished elderly individuals receive this benefit, with a monthly allowance of 400 Tk. each.

3.3.1.6 Social Safety Net Program

The Government of Bangladesh has implemented various social safety net programs. Although the elderly are not direct recipients of these programs, they do benefit from initiatives like Vulnerable Group Feeding (VGF), the Gratuitous Relief Fund, the Emergency Fund for Risk Mitigation during Natural Disasters, Vulnerable Group Development (VGD), the Fund for Housing of Disaster Victims, and the Widow and Distressed Women Allowance. Additionally, the government has established the Freedom Fighter Honorarium, which directly supports the well-being of elderly freedom fighters.

3.3.1.7 National Policy on Older Persons 2013

The 2013 National Policy on Older Persons draws inspiration from the United Nations Principles on Older Persons, as well as the First and Second World Assemblies on Ageing in 1982 and 2002 respectively. Its core principles revolve around promoting secure ageing by safeguarding the fundamental rights of older individuals, addressing age-related discrimination, and empowering them, among other similar objectives.

3.3.1.8 Maintenance of Parents Act, 2013

The Maintenance of Parents Act, 2013 is designed to ensure the welfare of senior citizens by obliging their children to provide them with care, including food and shelter. Children must regularly contribute a reasonable portion of their income to their parents' support if they do not live together, and they must visit their parents frequently if residing separately. Importantly, children are prohibited from sending their parents to nursing homes against their wishes. The law empowers aggrieved parents to pursue legal action against their children for non-compliance, with disputes settled by a first-class magistrate court or local government representatives. Violating the law can result in a fine of Tk. 1,00,000, although enforcement remains minimal, with only two cases reported in Bangladesh courts thus far.[23]

A Comparative Analysis between the Legal Protection Regimes Governing the Elderly Population of Bangladesh and India

The Constitution of Bangladesh doesn't explicitly mention the term 'elderly population', but it ensures their protection through various provisions in Part II and Part III. Part II outlines fundamental principles, emphasizing the state's responsibility to provide for citizens' basic needs and social security, including for the elderly. Although not legally binding, these principles serve as guidelines for creating and interpreting laws. Part III, which covers fundamental rights, guarantees protection for all citizens, including the elderly, ensuring equality before the law and protection from abuse or cruelty. So, while not directly stated, the Constitution effectively safeguards the rights of older citizens.

In both the Indian and Bangladesh constitutions, fundamental rights, including equality before the law and the right to life and liberty, are guaranteed to all citizens, including seniors. Article 39A mandates equal justice and free legal aid without discrimination, while Article 41 ensures public assistance for unemployment, old age, and disability. Although these provisions are found in the directive principles, which aren't directly enforceable by courts according to Article 37, they nonetheless offer constitutional safeguards for the welfare of older individuals.

Laws Governing People Belonging to Various Religious Communities:

---

[23] Sazzadul Alam, "'Elderly people' in Bangladesh: Vulnerabilities, laws and policies",27-46(2015)

Bangladesh has various laws governing personal matters for Muslim, Hindu, and Christian communities. The Muslim Family Laws Ordinance, 1961 addresses issues like polygamy and maintenance for wives. Section 9 allows wives to seek maintenance from the Chairman if their husbands fail to provide it. While the law doesn't specify age, it's understood to protect elderly married Muslim women too. Hindu laws, based on the Dayabhaga School, require sons to support aged parents. The Hindu Women's Right to Separate Residence and Maintenance Act, 1946 allows Hindu married women to claim separate residence and maintenance, likely extending to elderly Hindu women. However, there's no specific law for maintenance of older people in the Christian community. The Divorce Act 1869 permits wives to claim alimony under certain conditions.

In India, both sons and daughters are obligated to support their parents according to the Hindu Adoption and Maintenance Act of 1956. This duty extends even to childless stepmothers, as outlined in section 20 of the Act. Regardless of their financial situation, children are required to provide for their parents. Similarly, under Muslim Law, children are mandated to support their needy parents, as stated in section 371. However, older individuals in the Christian community must utilize the provisions of the Code of Criminal Procedure, 1973, to pursue maintenance, as there isn't a separate personal law governing this matter for them. The discussion above highlights that both Bangladesh and India have provisions in their personal laws to safeguard the maintenance rights of older parents. India has undergone substantial reforms in Hindu personal laws to adapt to socio-economic shifts. However, in contrast to India, there haven't been significant changes in personal laws in Bangladesh to protect elderly rights. Notably, there's a lack of laws for the Hindu and Christian communities to enforce these rights, and many older individuals are unaware of these legal avenues.[24]

RIGHTS OF ELDERLY PERSONS IN NEPAL

In the last century (1950–2050), there have been and will continue to be significant changes in Nepal's population. The total population was 8.6 million in 1950, but by 2050, it is expected to rise to 51.2 million. The rate of ageing differed by year: in 1950, 6.6% of the population was over 65. In 1975, that percentage dropped to 5.9%, and in 2007 it was 5.5%. Nonetheless, the percentage of people 60 and older will rise to 7.8% in 2025 and 14.1% of the population by 2050. The growth rate of the older population segment will surpass the overall population growth rates, which are 1.9% for 2005–2010, 1.4% for 2025–2030, and 0.9% for 2045–2050. The older population segment will increase at a rate of 3.4% for 2025–2030, 3.4% for 2005–2010, and 3.5% for 2045–2050. Furthermore, it is anticipated that the proportion of adults 80 years of age and above—the oldest old—will rise from 0.4% in 1950 to 1.4% in 2050. What's even more amazing is how quickly this change happened. The UN Population Division estimates that the growth rate for this age group will be 3.6% in 2005–2010, 4% in 2025–2030, and 4.7% in 2045–2050.

Government policies for older persons

Among other social categories, elderly persons are protected under the Local Self Governance Act of 1998. According to the Ministry of Local Development's guidelines, individuals over 60 who do not have any personal assets, are unemployed, do not receive family support, or are widows who do not receive their husband's pension are eligible for a monthly allowance of Rs. 150. Men and women over 75 are also eligible for a monthly allowance of Rs. 200. However, due to difficult procedures, 26% of elderly persons who qualify are denied access to these social security programmes. The government offers pensions to teachers, police officers, military people, and civil servants. The current retirement age for civil services is 58 years old. The retirement age for lower-ranking military and police personnel is 46–48, while it is 63 for instructors and administrators in universities.

The Senior Citizen Policy of 2002 designated all 75 women's development offices as focus centres on ageing concerns in order to address the institutional framework. Apart from government organisations, there are over fifty day care centres, twenty old age homes, and over one hundred senior clubs managed by fifty different non-governmental organisations (NGOs) that are actively concerned in matters concerning the elderly. In 2005, the government created a National Plan of Action for Senior Citizens in response to the Madrid International Plan of Action on Ageing. The Plan covers topics including social security, participation, health and nutrition, education and entertainment, and legal inquiries. The strategy must be effectively carried out by ministries and agencies working with non-governmental organisations. Older adults are being issued identification cards in

[24] Afrida Noshin, A Comparative Analysis between the Legal Protection Regimes Governing the Elderly Population of Bangladesh and India

accordance with the national action plan. A high-level Senior Citizen Coordination Committee was formed to handle policy and advisory activities. In order to improve living circumstances for senior citizens in each of the five development regions, the Committee designs and directs initiatives in this area.

Furthermore, the Applied Senior Rule and the Applied Senior Citizen Act were approved by parliament in 2008 and 2006, respectively. "Every organisation providing health services shall provide health services by giving priority to senior citizens," according to the Applied older Citizen Act. The Act also established a senior citizen fund and created central and local district senior citizen welfare committees.

The following approach has been taken by the Three Year Plan Approach document (2010/11-2012/13) for older individuals: Using senior citizens' knowledge, skills, and experience can be achieved in a number of ways: (a) by creating institutional and policy provisions; (b) by increasing older people's access to economic and social security programmes; (c) by improving coordination between local government bodies, the community, private sector, non-governmental organisations, and the government; and (d) by launching special programmes for senior citizens who have been abandoned, are victims of violence, or are vulnerable and/or disabled.[25]

Between India and Nepal: the comparative analysis of socio-economic rights regime across both the countries

In Nepal, where the king's absolute control meant that property belonged to him and individuals were not allowed property rights, liberal philosophers emphasised the rights of citizens to own property. The Raikar system regarded the populace as tenants on the monarch's estate. These territories were ruled by feudal lords belonging to upper castes, to whom common people were only granted access as tenants. As a result of the governing elite's concentration of state resources in this agriculture-dependent nation, the socioeconomic disadvantages faced by Dalits, Janjatis, and Madhesis (people from the Terai region) have persisted. A dedication to socio-economic rights is expressed in the preamble of Nepal's 2015 constitution, answering concerns raised by Madhesis, Janjatis, and Dalits against the disregard of their rights. Enacted in 2015, the new constitution places a strong emphasis on fundamental rights, which is a change from the former monarch-based government that did not give these rights priority. Because of their dissimilar histories and environments, the constitutions of Nepal and India cannot be directly compared. India's constitution has been in force since January 26, 1950, whereas Nepal's is still in the process of being drafted. Nepal's constitution served the monarchy's interests for a long time. Despite these distinctions, Nepal's constitution has incorporated some of India's constitution's clauses. As Nepal's constitution develops, it would be helpful to consult India's clauses recognising fundamental rights, and the country's judiciary might take into account the extensive rulings on socio-economic rights rendered by Indian courts. Given their comparable histories, civilizations, locations, and cultural legacies, Nepal and India have very similar sociopolitical contexts that frequently spark intellectual exchanges. Over time, Nepal's position on the Right to Free Education has changed. The 1990 constitution simply allowed localities to build schools; it made no mention of free education. While free education up to the secondary level was introduced in the 2007 interim constitution, it was not made mandatory. Article 31 of the 2015 constitution, however, guaranteed free and obligatory education, signalling a dramatic change. The Right to Free and Compulsory Education Act, which was passed by the Nepalese Parliament in 2018, further supported this and showed how India's attitude to education rights has evolved. Despite the absence of explicit provisions for socio-economic rights in its 1990 Constitution, Nepal has embraced the Public Interest Litigation model from India to address social challenges through legal remedies. In spite of this, Nepalese courts have followed Indian courts' example and given relief in a number of Public Interest Litigations pertaining to socio-economic rights. The notion of socio-economic rights has been applied by Nepalese and other South Asian courts to decide disputes related to these rights, drawing numerous rights from India's broad interpretation of the "Right to Life" clause.[26]

A Comparative Analysis between the Legal Protection Regimes Governing the Elderly Population of Sri Lanka and India

---

[25] UNITED NATIONS, Department of Economic and Social Affairs (DESA),” POLICY AND PROGRAMMES FOR OLDER PERSONS IN NEPAL”, Page no- 3-7, (2010)

[26] Between India and Nepal: the comparative analysis of socio-economic rights regime across both the countries, available at https://southasiajournal.net/between-india-and-nepal-the-comparative-analysis-of-socio-economic-rights-regime-across-both-the-countries/ ,(last visited on May 18, 2024)

Natural Resources for Human Health
eISSN: 2583-1194

The increasing elderly population is a global concern impacting various aspects such as social welfare, healthcare, environment, and sustainable development, particularly in terms of intergenerational relationships. While there's no universally agreed-upon definition of 'elderly,' it typically ranges from 60 to 65 years and above. In Sri Lanka, the proportion of elderly citizens has risen significantly from 9% in 2001 to 12.4% in 2012, with projections indicating further growth to 24.8% by 2041, 29% by 2050, and 34% by 2080. Life expectancy has also risen in Sri Lanka, reaching 77.22 years in 2021. Aging poses a multifaceted challenge impacting not only the elderly but also their families, society, and the government, especially when poverty is a factor. Statistics from the Sri Lankan Department of Police reveal that a significant portion of suicides in 2018 and 2019 were committed by seniors, with a large percentage attributed to chronic illnesses, physical limitations, and mental health issues. The United Nations Resolution No: 46/91 from December 16, 1991, stresses the obligation of states to ensure the necessary support systems for the elderly to lead fulfilling lives across various domains. This resolution was put into action through the United Nations Political Declaration and Madrid International Plan of Action on Ageing (MIPAA) in 2002. In Sri Lanka, while the constitution guarantees fundamental rights for all individuals, including equality and non-discrimination, there are no specific provisions for the elderly similar to those for children, women, and persons with disabilities. To address this gap, the Protection of the Rights of Elders Act No: 09 of 2000 was enacted to establish a framework for the care and protection of the aging population.

The Protection of the Rights of Elders Act, initially passed in 2000 and later amended in 2011, focuses on ensuring the care and protection of elderly individuals. While the preamble emphasizes the state's responsibility to treat elders with dignity and respect, certain sections place the onus on children to care for their parents. The National Council for Elders is tasked with developing programs to encourage this care. The Act also allows elders to seek support from the Maintenance Board if they are unable to support themselves, with a significant number of complaints being filed. Additionally, it mandates the provision of residential facilities for destitute elders lacking familial support. However, the Act and its amendments lack provisions for regulating the quality of care provided in these facilities, which undermines the legislature's intent to uphold elder rights. The legislation outlines key protective measures for seniors, including the establishment of the National Council for Elders, responsible for safeguarding their rights and well-being. Additionally, it mandates the National Secretariat as the operational body, along with the creation of a National Fund for Elder Welfare. Furthermore, committees are set up at various administrative levels to ensure effective implementation. Representatives of the National Secretariat are stationed at Divisional Secretariats for local oversight. The UNFPA (2017) highlights that older individuals often face challenges with vision, mobility, hearing, and cognitive abilities. The Protection of the Rights of Persons with Disabilities Act No 28 of 1996, amended by Act No 33 of 2003, defines disability broadly as any physical or mental limitation preventing self-sufficiency. This inclusive definition ensures legal protection for elderly individuals with mental impairments under disability rights laws. Consequently, elders with disabilities can rightfully access the most beneficial welfare provisions offered by various legal frameworks.[27] India and Sri Lanka have both made considerable strides in protecting the rights and welfare of their elderly populations through legislative measures and social support systems. However, both countries face unique challenges in implementation, resource allocation, and adapting to changing demographic trends. Strengthening enforcement mechanisms, expanding healthcare infrastructure, and enhancing financial security for elderly persons are crucial steps for both nations. Additionally, fostering a culture of respect and support for the elderly within communities can significantly improve their quality of life. As these countries continue to evolve, sharing best practices and collaborative efforts can further enhance the well-being of elderly persons in South Asia.

REFERENCES:

[1] Chowdhury, N. J., & Zahid, A. (2025). A comparative study of elderly care acts of India, Sri Lanka, and Bangladesh: Policy learning for other countries. *Public Administration and Policy, 28*(1), 101–113. https://doi.org/10.1108/PAP-01-2024-0008

[2] Matthews, N. R., Porter, G. J., Varghese, M., Sapkota, N., Khan, M. M., Lukose, A., Paddick, S.-M., Dissanayake, M., Khan, N. Z., & Walker, R. (2023). Health and socioeconomic resource provision for older people in South Asian countries: Bangladesh, India, Nepal, Pakistan and Sri Lanka evidence from NEESAMA. *Global Health Action, 16*(1), Article 2110198. https://doi.org/10.1080/16549716.2022.2110198

[27] F.A. Sajeed1 , Dissanayake D M S B 2 , et al, "Effectiveness of Aging Population Protection and Care Law in Sri Lanka", 8 th annual international research conference – 2021 'population and sustainable development.

eISSN: 2583-1194

[3] United Nations. (2002). *Madrid International Plan of Action on Ageing*. United Nations.

[4] United Nations. (1991). *United Nations Principles for Older Persons*. United Nations.

[5] World Health Organization. (2021). *Decade of Healthy Ageing: Baseline report*. World Health Organization.

[6] World Health Organization. (2015). *World report on ageing and health*. World Health Organization.

[7] United Nations Department of Economic and Social Affairs. (2023). *World social report 2023: Leaving no one behind in an ageing world*. United Nations.

[8] United Nations Department of Economic and Social Affairs. (2022). *World population prospects 2022*. United Nations.

[9] Government of India. (2007). *The Maintenance and Welfare of Parents and Senior Citizens Act, 2007*.

[10] Government of India. (2011). *National Policy for Senior Citizens*. Ministry of Social Justice and Empowerment.

[11] Government of India. (2024). *Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill* (latest available draft/reform documents).

[12] Government of Bangladesh. (2013). *Parents Maintenance Act, 2013*.

[13] Government of Bangladesh. (2014). *National Policy on Older Persons*. Ministry of Social Welfare.

[14] Government of Nepal. (2018). *Constitution of Nepal.*

[15] Government of Nepal. (2006). *Senior Citizens Act, 2006*.

[16] Government of Nepal. (2008). *Senior Citizens Regulation, 2008*.

[17] Government of Sri Lanka. (2000). *Protection of the Rights of Elders Act No. 9 of 2000*.

[18] Government of Sri Lanka. (2006). *National Policy for Senior Citizens*. Ministry of Social Services.

[19] Martin, L. G. (1990). The status of South Asia's growing elderly population. *Journal of Cross-Cultural Gerontology, 5*(2), 93–117. https://doi.org/10.1007/BF00116568

[20] Aboderin, I. (2017). *Ageing and development in sub-Saharan Africa: Perspectives from sociology and policy*. Policy Press.

[21] Estes, C. L., Biggs, S., & Phillipson, C. (Eds.). (2003). *Social theory, social policy and ageing: A critical introduction*. Open University Press.

[22] Phillips, D. R., & Cheng, K. H. C. (2012). *Ageing and long-term care: National policies in the Asia-Pacific*. Routledge.

[23] Walker, A. (2005). A European perspective on quality of life in old age. *European Journal of Ageing, 2*(1), 2–12.

[24] HelpAge International. (2022). *Global age watch insights: Older persons in South Asia*. HelpAge International.

[25] Asian Development Bank. (2021). *Aging well in Asia: Asian Development Outlook thematic update*. Asian Development Bank.