

## **CHAPTER 7**

### **CONSTITUTIONAL PROVISIONS AND GOVERNMENT PROGRAMMES AND POLICIES FOR THE SOCIAL SECURITY OF ELDERLY PERSONS IN INDIA AND WEST BENGAL**

#### **7.1 Introduction**

Population ageing is worldwide and increasing phenomenon and India is no exception. With fast changing socio-demographic-economic scenario, industrialization, rapid modernization and urbanization, higher ambitions among the youth and the increasing participation of females in the workforce, roots of traditional joint family system have been disappearing very fast from the society. When the elderly persons need family support most, they have to live on their own efforts and means, even basic needs and rights of many of them are not met. Social marginalization, loneliness, isolation, negligence, deprivation, harassment etc in their elderly age and even attempt to possess forcefully and unlawfully of properties of elderly persons and in some extreme cases, murder of elderly persons lead to violation of Human Rights of them.

The right to social security ensures that everyone, regardless of age, gender, caste, community, race, religion, locality of residence or ability to work etc is guaranteed the means necessary to procure basic needs and services. Three key human rights principles are fundamental to guaranteeing the right of social security: (a) comprehensiveness (social security covers all the risks involved in the loss of means of subsistence for reasons beyond person's control), (b) flexibility (the retirement age should be flexible depending on the occupations performed, the working ability, knowledge and experience of the persons, with due regard to demographic, economic and social factors) and (c) non-discrimination (social security must be provided without discrimination based on health status, race, ethnicity, age, gender, disability, religion, national origin, income or social status etc).

“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality” included in the Article 22 of the UN 1948 Universal Declaration of Human Rights emphasizing that social security is an important part of human rights and every nation agrees on

(United Declaration of Human Rights <http://www.un.org/en/documents/udhr/index.shtml>, 1948). Again, the document 'UN Principles of Ageing' (1982) is considered the basic guideline for promotion of the rights of elderly persons. The five principles related to it are (a) Independence: Elderly persons should have access to adequate needs: food, water, shelter, clothing and health care through the provision of income, family and community support and self-help. They should have the opportunities to work or to have access to other income-generating opportunities; (b) Participation: Elderly persons should remain integrated in the society and participate actively in the formulation of policies which affect their well-being; (c) Care: Elderly persons should have access to health care to help them maintain the optimum level of physical, mental and emotional well-being; (d) Self-Fulfilment: Elderly persons should be able to pursue opportunities for the full development of their potential and have access to educational, cultural, spiritual and recreational resources of society and (e) Dignity: Elderly persons should be able to live with dignity, peace and security and should be free from exploitation and mental and physical abuse.

Unfortunately, in India, elderly persons are not aware of their human rights due to high predominance of illiteracy and lack of awareness of their rights. On the other hand, due to relatively high physical as well as psychological vulnerability, their cries for help remain within four-walls, as a result, only a few cases of violation of human rights of elderly persons become known to the society. In general, the rights for the elderly persons restrict from the principles of dignity and non-discrimination. The rights of elderly persons can be grouped into three main categories: protection, participation and image. Protection refers to securing the physical, psychological and emotional safety of elderly persons with regard to their unique vulnerability to abuse and ill treatment. Participation refers to the needs to establish a greater and significant active role for elderly persons in the society (which is related to active ageing). Image refers to the needs to define a significant positive, less degrading and discriminatory idea of their identity and capabilities (Age-well Research & Advocacy Centre, 2014). Rights related to the elderly persons are (a) right to dignity; (b) right to freedom from abuse, neglect, or exploitation; (c) right to freedom from discrimination; (d) right to adequate healthcare; (e) right to maintenance; (f) right to material assistance; (g) right to property; (h) right to participation in society; (i) right to work duties; duty of third-party caretakers, duty of the family, duty of the state etc.

A policy is a principle of action or rule to guide decisions and achieve rational outcomes. It is an intention, and is implemented as a procedure. It aims to the process of making important institutional decisions, including the identification of different alternatives such as programmes of spending priorities, and choosing best possible (optimum) alternatives among them on the basis of the impact they will have on the individuals, society etc. Policies may be considered as social, political, economical, management, financial and administrative mechanisms etc arranged to achieve explicit goals. For a developing and vast country like India, population ageing may impose gigantic pressures on social security (social assistance and social insurance) including pension outlays, health care expenditures, fiscal discipline, savings etc. Elderly persons face the most urgent needs for providing care to them in a planned, comprehensive and coordinated manner (Sharma, N. (2014).

The task of implementing the policies and programmes is a national responsibility, involving combined efforts of the government, non-government organizations (NGOs), local bodies and other social units. It should be made mandatory for all participating ministers, departments, central and state governments, local bodies and NGOs to accelerate and participate in the programmes concerned with the welfare of elderly persons. A governance structure for implementing the policies and programmes for the welfare of the elderly persons requires to be put in place which provides for transparency, accountability, evaluation and monitoring of performance etc and also provides a fair amount of autonomy. The goals of the policies and programmes for elderly persons are the well-being for them aiming to help them to live at the last phase of their life and up to their last breathing with purpose, dignity, healthy and peace. The policies would be such that the nation would extend support for financial security, health care, shelter, protection against abuse and exploitation, welfare, make available opportunities for their potential development, seek their participation, provide them services etc so that they may improve the quality of their lives and other requirements for them (Sharma 2014).

Indian social system recognizes family as one of the institutions that meets the social, economic and emotional and other needs of the elderly persons. In Indian society, elderly person has a better status on account of the value systems. Their wisdom and experience give them their authority. In that system, there exists a certain amount of love, respect and care etc for the elderly persons (Chakraborty 2014).

Till today, a high share of population in India, live below the poverty line (BPL), work in the informal sector, have inadequate earnings, leisure and leave giving little scope to save for a majority of households. As per Census of India 2011, nearly 54 per cent of the workforce is engaged in agriculture. With nearly 60 per cent rural households not having bank accounts (in recent times, this situation has been changed somehow), a large majority of the elderly persons will continue to rely on their children and family members for old age security. However, the forecast of further decline in fertility, which will result in an increase in the elderly dependency ratio, suggests that future working age adults will increasingly find it difficult to financially support their elderly family members (Kulkarni et al, 2014).

Elderly Law refers to the area of legal practices pertaining to issues that affect elderly persons. The three focuses of elderly law include estate planning; Medicaid, disability and long-term care; guardianship etc. Attorneys who work in the field of elderly law bring more to their practice than an expertise in the appropriate area of law. They have knowledge of elderly persons and their unique needs as well as the myths related to competence and population ageing. They are aware of the physical and mental difficulties that often accompany the ageing process. The International Day of Older Persons is October 1 of every year and World Elder Abuse Awareness Day is June 15 of every year.

The two main objectives of the present chapter are to review the constitutional provisions for the elderly persons in India and to analyse the government programmes and policies for the welfare of elderly persons in India and West Bengal. It also provides ideas on lessons on social security relating to the elderly persons for India from other countries particularly Japan (a country with highest share of elderly persons). Information for the chapter is data based on some published research papers, the Internet etc.

## **7.2 Indian Constitutional Provisions for Elderly**

In the Constitution of India, entry 24 in list III of Schedule VII 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, Art. 41 of Directive Principles of State Policy has particular relevance to Old Age Social Security”. Art. 41 of Indian Constitution deals with the State’s role in providing social security to the elderly persons. 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” (Constitution of India (1949) <http://www.india.gov.in>).

The Right to life, recognized as a fundamental right by Article 21 of the Constitution of India, implies the right to live with human dignity of people. It encompasses not only the security regarding the basic human needs of food, clothing and shelter etc, but also health security. Social security schemes usually give priority to income security because, generally, the basic needs of the vulnerable sections, particularly elderly persons may be satisfied, if people have an adequate income (Kulkarni et al, 2014).

Item No. 9 of the State List and item 20, 23 and 24 of the Concurrent List relate to old age pension, social security and social insurance and economic and social planning. The right of parents, without any means, to be supported by their children having sufficient means has been recognized by Section 125 (1) (d) of the Code of Criminal Procedure 1973, and Section 20(3) of the Hindu Adoption and Maintenance Act, 1956.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 makes it as a legal obligation for the children and heirs to provide maintenance to the elderly persons. The concept of right to healthcare, which evolved from the right to life is getting acceptance in the present Act. It creates a positive duty on the part of the state governments to establish old age homes in every district (Nayak et al 2011, Sharma 2014, Age-well Research & Advocacy Centre 2014).

### **7.3 Legal Measures**

As per Section 125 of the Criminal Procedure Code, 1973, if any person refuses or neglects to maintain his/her parents, then a magistrate may order such a person to make a monthly allowance for the maintenance of his/her parents at a monthly rate not exceeding Rs 500.

The Hindu Adoption and Maintenance Act, 1956 enjoins children to look after their parents if parents are unable to maintain themselves out of their own earnings or other properties. The Act is applicable to Hindus only. It defines maintenance as

providing of food, clothing, residence, medical attendance and treatment etc. Here, the amount is left to the discretion of the court.

According to the codified Muslim Law, children are required to maintain parents and paternal and maternal grandparents, if they are poor and cannot take care of themselves.

The Christians and Parses have no personal laws providing for maintenance for the parents. Parents who wish to seek maintenance have to apply under provisions of the Criminal Procedure Code.

The Central Government introduced a bill in Parliament for better care of elderly persons in India. The bill titled “Older Persons (Maintenance, Care and Protection) Bill 2005” is intended to make relief simpler, speedier and less expensive. The bill has taken into account three thrust areas for legislation, namely, Maintenance, Care and Protection. Maintenance includes financial, housing requirement, protection of life and property, recreational and spiritual needs and grievance redressals etc. Maintenance from family will hitherto be a matter of right for the elderly persons. Care includes financial, housing requirement, clothing requirement, health requirement and companionship requirement etc from families and/or the state government in case of persons without family support or living below the poverty line (BPL). Protection includes protection of life and property of the elderly persons against exploitation including physical and mental abuse (Sharma 2014, Age-well Research & Advocacy Centre 2014).

Elderly persons can get priority hearing in courts: For the convenience of elderly persons, Mumbai High Court has decided to give priority in its roster to the cases where at least one of the parties is above sixty years old, if such a request is made by the concerned party.

Maintenance Tribunal can order eviction of adult children in cases of parental abuse: Delhi High Court- directions to remove the children from the property are necessary in certain cases like the present to ensure a normal life of the senior citizens, the Court said.

#### **7.4 Programmes and Policies for Welfare of Elderly in India**

The Ministry of Social Justice and Empowerment is the nodal Ministry for the welfare of elderly persons. The Ageing Division in the Social Defence Bureau of the Department of

Social Justice and Empowerment develops and implements policies and programmes for the elderly persons in close collaboration with state governments, NGOs and civil society etc. The Government of India (GOI) announced a National Policy on Older Persons (NPOP) in 1999. National Council for Older Persons (NCOP) (reconstructed and renamed as National Council of Senior Citizens (NCSrC) in 2012) has been constituted by the Ministry of Social Justice and Empowerment to operationalise the NPOP. The Ministry has also launched a project called “Old Age Social and Income Security (OASIS)”. An Expert Committee is constituted under the project. In order to facilitate implementation of the National Policy, and to bring about a qualitative improvement in the programme intervention of the Ministry, on-going schemes were revised during 1998-1999.

The Nodal Ministry implements the Central Sector Scheme of Integrated Programme for Older Person (IPOP). Under the scheme, financial assistance up to 90 per cent and in case state 95 per cent of the project cost is provided to Government/ Non-Governmental Organizations/ Panchayati Raj Institutions/ local bodies etc for constructing and maintaining old age homes, day care centres and mobile medicare units. Several innovative projects have been added as being eligible for assistance under the Scheme, some of these are Maintenance of Respite Care Homes and Continuous Care Homes, Running of Day Care Centres for Alzheimer's Disease/ Dementia Patients, Physiotherapy Clinics for elderly persons, Help-lines and Counselling Centres for elderly persons, Regional Resource and Training Centres, Training of Caregivers to the elderly persons, Awareness Generation Programmes for Older Persons and Care Givers, Formation of Senior Citizens Associations etc. Scheme of Assistance to Panchayati Raj Institutions/ Voluntary Organisations/ Self-Help Groups for Construction of Old Age Homes (OAHs)/ Multi Service Centres for Older Persons has been revised to enhance the one time construction grant for the old age homes/ multi service centres from Rs 5 lakhs to Rs 30 lakhs to eligible organizations.

The National Social Assistance Programme (NSAP) is a welfare programme being administered by the Ministry of Rural Development. The programme is being implemented in rural areas as well as in urban areas. The Government of India launched NSAP as a centrally sponsored scheme with effect from August 15, 1995. It includes two schemes relating to elderly persons:

- National Old Age Pension Scheme (NOAPS): Under the scheme, destitute aged 65 years and above are entitled to a monthly pension ranging over Rs 200/= to Rs 1000/=. At present, 18 states/UTs are providing NOAPS. The amount of NOAPS for West Bengal is Rs 500/=. National Old Age Pension Scheme was renamed as Indira Gandhi National Old Age Pension Scheme (IGNOAPS) (Indira Gandhi National Old Age Pension Scheme given in Appendix-D.1),
- National Family Benefit Scheme: The benefit under the scheme to BPL household is lump sum amount of money on the death of primary breadwinner aged between 18 and 64 years. The ceiling of the benefit is Rs 5,000/= for death due to natural cause and Rs 10,000/= for accidental death (National Family Benefit given in Appendix-D.2),
- **National Initiative on Care for Elderly (NICE)**  
NICE was launched in 2000 by the National Institute of Social Defence (under MOSJE), which conducts various courses to prepare skilled and committed professionals to provide services to the elderly persons.
- **National Programme for the Health Care for the Elderly (NPHCE)**  
Under National Health Mission (NHM), NPHCE was launched by the Ministry of health and family welfare, during the 11th plan period to: i) provide preventive, curative and rehabilitative services to the elderly persons at various levels of the health delivery system, ii) strengthen the referral system, and iii) develop specialised manpower and promote research on geriatric diseases. Under the National Programme for the Health Care of Elderly (NPHCE) scheme, financed in the ratio of 80:20 by centre and the state, provision is made for geriatric infrastructure, geriatric wards and OPDs in hospitals, mobile units and regular geriatric clinics. There are two special Sub-Plans: (a) Scheduled Caste Sub-Plan (SCSP) and (b) Tribal Sub-Plan (TSP).

Different privileges and benefits provided to elderly persons in India are:

- The Union Minister for Finance and Corporate Affairs, while presenting the General Budget in Parliament on 1<sup>st</sup> February, 2017 said that for elderly persons, Aadhar based Smart Cards containing their health details would be introduced. A beginning would be made through a pilot in 15 districts during 2017-2018.

- Old Age Pension for the general public (Old Age Pension for the General Public given in Appendix-D.3),
- National Old Age Pension scheme (NOAPS),
- Old Age and Widow Pension in West Bengal, Maharashtra, Karnataka, Kerala,
- Annapurna scheme under which free food grains (wheat or rice) up to 10 kg. per month are provided to destitute elderly persons of 65 years or above who are otherwise eligible for old age pension but are not receiving it,
- Pension and Family Pension with Dearness Relief, Gratuity, Leave Encashment along with enhanced Pension after attaining certain ages (provided in Table 7.1) (in case of central/state government permanent employees),

**Table 7.1: Enhanced rates of pension**

After attaining age (year)	Enhanced rate (per cent of pension)
80	20
85	30
90	40
95	50
100	100

Source: Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners' Welfare) Resolution New Delhi, the 29<sup>th</sup> August, 2008

Reasons behind providing enhanced rates of pension to the pensioners in their oldest-old ages because in oldest-old ages; costs for food, clothing, recreation and accommodation etc decrease, but costs for medicine, health care and maintenance etc increase as age increases, therefore the pensioners at their oldest-old ages are provided enhanced rates of pension to stabilize maintenance of social security of elderly persons.

- Bank loans for Pensioners and Family Pensioners,
- Income Tax Rebate (Section 88B),
- Deduction in respect of medical insurance premium (Section 80D),
- Deduction in respect of medical treatment (Section 80DDB),
- Insurance Schemes for elderly through LIC: Jeevan Dhara, Jeevan Akshay, Jeevan Suraksha, Bima Nivash, Varishtha Pension Bima Yojana,
- Senior Citizens Unit Plan (SCUP),
- Senior Citizen Savings Scheme (SCSS) through Indian Post offices, banks (public like SBI, Private like ICIC) with Income Tax benefit (Section 80C),
- Medical Insurance Scheme,

- Group Medical Insurance,
- Jan Arogya,
- Reverse Mortgage Loan (RML),
- Concessions on travelling by road, train, air,
- Special Counters/ Separate Queue: Railway Ticket Booking, Income Tax Return, Electricity bill, hospital, bank,
- Old Age Homes (OAH),
- Helpline,
- Expeditious Disposal of Court Cases,
- Mobile Medicine Unit Programme,
- Geriatric clinics in several government and non-government hospitals,
- Banking with high return, home services, Special Senior Citizen ID card, Free International Debit Cards for Primary and Joint Accounts Holders, Customized Loan Offerings, Free Foreign Outward Remittances, Faster Inward Remittances, Faster Credit for collection of Foreign Cheques, Free Collection of outstation Cheques etc,
- Concessions at restaurants, hotels etc,
- Separate and/or Special Seating arrangements at train, bus, bank etc,
- Increase in retirement age and provisions of recruitment after retirement on semi-permanent/contractual/casual basis etc (Nayak et al 2011, National Institute of Rural Development & Panchayat Raj).
- Union Budget 2018 does well to focus on elderly persons : (a) a five-fold increase in the exemption limit on interest income from savings, fixed and recurring deposits held with banks and post offices to Rs 50,000/=, (b) raising the annual income tax deduction limit for health insurance premium and/or medical reimbursement to Rs 50,000/= to all elderly persons, (c) moving to set the ceiling for deduction in lieu of expenses incurred on certain critical illnesses to Rs 1 lakh, irrespective of the age of the elderly persons and (d) extending the Pradhan Mantri Vaya Vandana Yojana by two years, up to March 2020, and doubled the capital on investment in the scheme to Rs 15 lakh – this annuity-cum-insurance scheme entitles the senior citizen policyholder to a guaranteed pension that equates to an annual return of 8% on investment is contributory and is run by the Life Insurance Corporation of India (Limited succor: Budget 2018 and Senior citizens, The Hindu, February 05, 2018).

Programmes and policies for the social security for the elderly persons in India are not adequate and well-planned compared to the developed countries like Japan. Social security systems in Japan are framed to guarantee a minimum standard of living and to protect citizens from social and economic risks. Japan's social security system consists of four major components: (a) public assistance, (b) social insurance, (c) social welfare services and (d) public health maintenance. With its rapid growth of population ageing and increase in life expectancy, the issues of how to pay for and retain the growing pension, medical care and nursing, care burden have become critical. The major distinguished features of Japan's social security systems are as follows:

- Japan was a nation to have made active and effective efforts to develop its social security system when it still had a large informal sector population,
- Japan developed a government-led social security system in which the government becomes the insurer for the people,
- Japan developed a universal insurance system,
- Japan developed a system where the proper interaction between private and public agencies leading to co-operate,
- In view of certain increasing constraints like rapid change in demographic profile, fiscal constraint, high unemployment, increasing inequality in income distribution etc, Japan has to restructure its social security systems.

In India, with the increasing demographic behavior of population and because of the increasing erosion of traditional family living arrangements, particularly in urban areas; certain issues arising to be considered: (a) there are a significant proportion of people belonging to unorganized sector without any social security net, (b) increase of elderly persons raised the issue of increasing burden of old-age dependency in the economy and (c) poverty among elderly persons continues to be an increasing problem. India requires a well conceived social and health security system for the elderly persons (Misra 2010).

## **7.5 Pension Systems in India**

There are three major components to the Indian pension system: civil servants pension, the mandatory pension programmes run by the Employees' Provident Fund (EPF) Organisation of India and the unorganised sector pension called the National Social Assistance Programme (NSAP).

The State of Uttar Pradesh has implemented E-pension system which allows filling up of pension forms, checking, verification and payment using an online system.

India does not have a universal (unique) social security system. A large number of India's elderly persons are not covered by any pension scheme. Pension reforms and a pension system with greater reach will not only ensure citizens' welfare in their golden years but will also help the central and state governments cut their future liabilities. With these broad objectives in mind, the government of India set up an expert committee in 1998 to devise a new pension system for India. It recommended creating a pension system based on individual retirement accounts (IRAs). An individual would save and accumulate assets through his entire working life for future. Upon retirement, the individual would be able to use his pension assets to buy annuities from annuity providers and obtain a monthly pension. The pension amount would be governed by what the employees' pension fund account could earn from market investments. In line with the recommendations, the government set up its New Pension System (NPS). The NPS was launched in 2004 for central and state government employees, who had to subscribe mandatorily. In 2009, it was thrown open to all Indian citizens in the 18-60 age groups. However, it has failed to take off in the voluntary segment given the anaemic subscriptions from the private sector.

All governments (central/state) are shifting to NPS for their civil servants, but Government of West Bengal has not yet considered it.

India needs sustainable pension system. The social security system in India has a big hole – an inadequate and disjointed pension system. “Pension schemes are engines of growth in many European countries and it can be so for India too.”, said Jan Nijssen, ING's global head pensions and CEO, Central Europe Insurance (Business Standard, Bangalore 2004).

**Micro Pension:** Micro Pension, a new venture for social security is aimed at low-income people who are generally financially illiterate and have very limited access to financial services like banks, insurance offices etc. This product is affordable for people working in the informal economy. This is the sought-after solution to create a more secure financial future to contribute to the prevention of elderly age poverty. By saving during one's active working period, people will be better financially supported when they reach elderly age and cannot rely on working anymore to provide themselves with financial support. Small amounts of money can be saved individually and invested collectively to grow benefits for future. On the agreed withdrawal date, the accumulated capital can be paid out in lump sum or periodically via an annuity. Some examples of

micro pension Axis Mutual Fund, Bharti Axa, Sahara Daily Fund etc. According to Indian incomes, savings and retirement Survey, ADB 2005, the table below (Table 7.2) shows workers and coverage under the pension scheme in India.

**Table 7.2: Indian Pension Coverage**

Pension Coverage	Number of Paid Workers (in million)	Percentage
Civil Service Pension	30	6.67
New Pension Scheme	02	0.44
Social Assistance	11	2.44
Private Employees	20	4.44
Excluded Workers	387	86.00
Total Workforce	450	100

Source: Indian incomes, savings and retirement Survey, ADB 2005

Excluded workers belonged to informal sector.

**Atal Pension Yojana (APY) for Social Security:** Financial inclusion and a universal social system have been high on the Indian government's agenda. This pension scheme was proposed in the Indian Union Budget 2015-2016 to work towards creating a universal social system for all Indians that would ensure that no Indian citizen would have to worry about illness, accidents or penury etc in elderly age. The scheme intends to bring pension benefits to people of the unorganized sector so that they can enjoy social security with a minimum contribution per month. People who work in the private sector or are employed in occupations that do not provide them the benefit of pension can apply for the scheme. They can opt for a fixed pension of INR (Indian Rupees) 1,000/= or 2,000/= or 3,000/= or 4,000/= or 5,000/= on attaining the age of 60 years. The amount of contribution and the individual's age will determine the pension. Upon the contributor's death, the spouse of the contributor can claim the pension and after the spouse's death the nominee will be returned the corpus accrued. The amount collected under the scheme is to be managed by Pension Funds Regulatory Authority of India (PFRDA) as per the investment pattern specified by the Government of India. Individual applicants will have no choice of pension funds or investment allocation. This scheme will bring social security to ageing Indians while at the same time promote a culture of savings and investment among the lower and the lower middle class sections of society. One of the greatest benefits of the scheme may be enjoyed by the poorer sections of the nation. The government of India has decided to contribute 50 percent of the user's contribution or the INR 1,000/= a year, whichever is lower, for a period of five years. This contribution will, be enjoyed only by those who are not income tax payers and those who join the scheme before 31 December, 2015. The scheme is open to all Indians between the age of 18 and 40 years. This allows an individual to contribute for at least 20 years before reaping the benefits of the scheme.

Any bank account holder who is not a member of any statutory social security scheme can avail of the scheme. All existing members of the government's "Swavalamban Yojana NPS Lite" will automatically be migrated to the APY. It will now replace the Swavalamban scheme, which did not gain much popularity across the country.

## **7.6 Professional Services to Elderly**

Services related to elderly persons may be classified into two categories:

- a. Home care facility (old age home),
  - b. Elderly care services
- a. Home care facility (Residential/home facility)
    - (i) Elderly persons friendly home facilities,
    - (ii) Nursing care,
    - (iii) Social activities,
    - (iv) Health care,
    - (v) Tie up with hospitals for emergency care,
    - (vi) Nutritious food,
    - (vii) Housekeeping, laundry and security services,
    - (viii) Yoga and light physical activities,
    - (ix) Recreation,
    - (x) Providing associations etc.
  - b. Elderly persons care services

Under elderly persons care services, there are three kinds of offerings.

- (i) Home service: Providing assistance for housekeeping including sweeping, cleaning clothes and/or mopping laundry, ironing, shopping for household, cooking light meals and so on.
- (ii) Personal service: Providing assistance for maintaining personal hygiene viz. bathing, dressing, shaving, toileting, contingency care, medication needs and so on.
- (iii) Respite service: This refers to service for a short period of time providing rest and relief to family members who are assisting with the care of their elderly persons. Respite service includes both home and personal services.

Elderly person care profession is suitable to students of social sciences, social work education. Remarkable share of elderly persons suffer from life style disease like

diabetes, hypertension, heart and diabetes, hypertension, lung diseases etc. They need professional support/care for their doing daily activities. Elderly person care is therefore an upcoming profession for providing professional assistance for everyday living of elderly persons and requires more attention, dedication and commitment in addition to technical knowledge and experience relating to elderly persons.

Elderly persons care givers has more job potential in metropolitan cities. Earlier, the elderly persons care used to be the responsibility of their families. This practice is still intact in the rural areas. In urban areas, there have been a large number of elderly persons living without the familial support care. About 70 per cent of elderly persons live with one or multiple ailments require their Activities of Daily Living (ADL). These conditions have created a vast opportunity for short term and long term care givers, semi-qualified nursing assistants, day time carers and 24 X 7 carers etc. Keeping in view of these upcoming requirements, National Institute of Social Defence (NISD), the nodal ministry is engaged in training the eligible person on elderly/ Geriatric Care to generate pool of geriatric Care givers in order to assist the elderly persons in need of these cares. NISC has been training eligible persons on elderly/ Geriatric Care and also through its Regional Resources Training Centres (RRTCs) located at Delhi, Kolkata, Mumbai, Imphal, Bangalore, Hyderabad and Coimbatore. The Old Age Care Division of NISD is a unique institution which offers customized courses with a view to cater to the emerging needs of the elderly persons (Professional Courses offered by the Old Age Care Division of National Institute of Social Defence (NISD) given in Appendix-D.4).

## **7.7 Additional Policies and Programmes for Welfare of Elderly in West Bengal**

The Government of West Bengal runs two exclusive housing schemes for BPL category – Gitanjali and Amar Thikana. In the rural areas more than 34,000 houses have been constructed under these two schemes. As per the administrative records, there are more than 4,000 elderly beneficiaries (National Institute of Rural Development & Panchayat Raj).

A scheme called “Project Pranam” a 24-hour helpline is initiated in 2009 to provide safety, security and medical assistances to elderly persons living alone through a venture of Kolkata Police and NGO “The Bengal”. It is a unique support mechanism wherein psychological and physical security supports are provided to the elderly persons in the city of Kolkata. Due to loneliness and health problems, most of the lonely elderly

couples or those who stay alone suffer from depression, which further pushes them to suicides at times. So to help them fight mental depression, this scheme arranges various camps, get together and sports activities etc. Ambulance facilities are provided during the time of emergencies. Hospitalisation is ensured for the caller when needed (Kolkata Police News Vol. 1 (8), June 2009).

The Government of West Bengal arranged provisions for pensions for the needy and elderly folk artistes through a project “Lokprasar Prkalpo”. There are many folk artistes in West Bengal, who used to perform in various programmes with reputation and attracted attention of the audiences. Most of them are now unable to perform because of their elderly age. They do not have definite source of income and there is nobody to look after them. The Government helps them and provides social security for them through “Lokprasar Prkalpo” (<http://www.westbengal.gov.in>) (Lokprasar Prkalpo given in Appendix-D.5).

e-pension is an initiative of The Directorate of Pension, Provident Fund and Group Insurance, Finance Department, Government of West Bengal to provide e-governance to the pensioners of recognized non-Government aided educational institutions, Panchayat, Municipality etc. The said online facility would bring in transparency and cut down delay in receiving pensions. At present, it takes around two to three years to receive a Pension Payment Order due to the manual nature of verification by different authorities. With the new e-pension portal, the whole process will be online and paperless, bringing total transparency and cutting down on time for processing. Gratuity would be paid immediately on the day of retirement and pension will be released in the bank account on the due date, that is, immediately after completion of first month after retirement. The new initiative is a part of the state government’s e-governance activity, which it undertook in 2012 (The Directorate of Pension, Provident Fund and Group Insurance, Finance Dept., Govt. of West Bengal).

There are total thirty-two old age homes for the poor and destitute run by the NGOs in different districts of the state. There is one government run old age home where political sufferers as well as destitute old-aged males and females are accommodated (<http://www.wbsc.gov.in/aboutus.htm>).

Old Age Pension (Indira Gandhi National Old Age Pension) granted to a person who is 65 years or more of age and is destitute in the sense of having little or no regular means of subsistence from his/her own sources of income or through support from the

family members or other sources. The amount of Old Age Pension was increased from Rs 100/= to Rs 400/= per month during the financial year (visit <http://wbprd.gov.in/HtmlPage/SSECURITY.aspx>).

The Department of Women Development and Social Welfare works towards the protection, equity and inclusion of populations that have been historically oppressed, neglected or excluded from development because of their gender, age, disability or situation. This includes women, elderly persons and other marginalized populations such as persons with disabilities, transgender persons, homeless persons and persons with drug / alcohol addiction. Social security is extended through Old Age Pensions, Widow Pensions and Disability Pensions. Apart from pensions, elderly persons in need can avail of shelter at various government homes. Under the West Bengal Maintenance and Welfare of Parents and Senior Citizens Rules, 2008, runs tribunals that hear cases of elderly persons who face harassment and eviction by their families (visit <http://wb.gov.in/portal/web/guest/women-and-social-welfare>).

Career mela for elderly persons in Kolkata: To help elderly persons to step into life second career options after retirement, the West Bengal Housing Infrastructure Development Corporation (WBHIDCO) is holding an elderly persons mela to help them train and choose career options. In the mela workshops are being held to help elderly persons learn on cooking and home delivery, IT and desktop publishing, handicraft and run a boutique, beautication course to run a beauty parlour. Seminars are being held on legal matters, developing writing skills and net publishing, home tourism, financial management etc (The Hindu March 2, 2014).

Free medical service for elderly persons in Kolkata: Bidhannagar Municipality has taken a decisive step to show the rest of country how to take care of the elderly persons. It has decided to take a unique initiative to provide free emergency medical services to the elderly persons who live alone in Salt Lake (The Times of India June 16, 2014).

## **7.8 Summary**

In this chapter, different policies and programmes for welfare of elderly persons in India and pension systems in India including micro pensions and the Atal Pension Yojana have been highlighted in brief. This chapter has also highlighted, in brief, the job opportunities for services related to elderly persons in homes, in old age homes, hospitals etc. It has

also mentioned different professional courses relating to the services of the elderly persons. Additional policies and programmes for welfare of elderly persons undertaken by Government of West Bengal have also been pointed out here.

From our personal interactions with elderly persons and their family members relating awareness of constitutional provisions for elderly persons including legal measures, different policies and programmes for welfare of elderly persons in India and West Bengal etc, it may be inferred that majority of the elderly persons and their family members, even those of urban areas do not have any knowledge or have very less knowledge.

Elderly Law is not friendly to elderly in India. The murder of a 94-year old and his 64-year old daughter-in-law in Patel Nagar in Delhi on the eve of World Elder Abuse Awareness Day has reinforced the opinion that India is not a country friendly for the elderly persons. Even though there are laws that protect them, these are so badly publicized and implemented that a large section of those suffering cruelty at the hands of friends or strangers do not get any reprieve. But even today, say lawyers, awareness about the law and its provisions remain abysmally low; because of this, elderly persons continue to suffer mental and physical abuse from their children or kin. World Health Organisation's (WHO) report on 'Missing Voices' stated six key categories of elderly abuse, neglect and abandonment, disrespect and ageist attitudes, psychological, emotional and verbal abuse and legal and financial abuse. Delhi High Court lawyer Ajay Verma said, "There is no awareness among elders. That is also because rules/law is not highly prompted. Only literate people may be aware but what about the illiterate? They suffer badly. The government must advertise widely, hold special camps and come up with an online case filling system". Though lawyers have been kept out of the maintenance tribunals, many argue it has its disadvantages because the process remains technical. Once a complaint is filed, notices are issued, statements recorded and evidence gathered – all these require legal assistances (The Times of India June 15 2015).

A man along with his wife in Central Delhi area of Navi Kareem made the life of his parents miserable. Six years passed, but he and his wife, in spite of being barred, did not leave the house of his parents. The court ordered the son and the daughter-in-law to vacate the house and pay compensation. The elderly lady said her daughter-in-law poured kerosene on her and tried to burn her alive to occupy the house. Her son also threw boiling water on her. The Additional District Magistrate of the Hazari Court in his order said that the elderly lady and her husband were the legal owner of the property and the son and the daughter-in-law would have to vacate it (The Tribune October 14, 2016).

Although in a metropolitan city like Kolkata, a scheme called "Project Pranam" a 24-hour helpline was initiated in 2009 to provide safety, security and medical assistances

to elderly persons living alone, but the details of the scheme is not well advertised among the concerned people and the number of incidents of murders of elderly persons has been increasing day by day. One case of murder out of several murder and cheating cases in Kolkata may be mentioned as follows: one person Bappa was arrested on July 17, 2015 in connection with the double murder of an elderly couple (Pran Govinda Das and Renuka Das) living in an apartment in north Kolkata. Couple's daughter was working in USA. Bappa's wife Purnima was a maidservant in Das's family and was looking upon the said elderly couple. Bappa was also close to the Das's family and used to help the elderly couple in household stuff. In fact, Mr. and Mrs. Das helped Bappa with money, yet Bappa murdered them (Press Trust of India, Kolkata July 17 2015).

Such unfortunate incidents are numerous and have been happening both in rural and urban areas in India, particularly in metropolitan cities and surrounding areas. Elderly persons living alone or elderly couples living alone are the prime targets of criminals and opportunity seekers. Rules/laws for the elderly persons must be made friendly to elderly persons; above all, society must be liberal and sympathetic towards the elderly persons who are store houses of experience and wisdom and have rendered their services throughout their life to the society and reached at their last phase of life.