

**CONSTITUTIONAL PROVISIONS AND LEGAL  
PROTECTION, GOVERNMENT PROGRAMMES AND  
POLICIES FOR THE WELFARE OF ELDERLY IN INDIA  
AND WEST BENGAL – A REVIEW**

**Archita Nayak<sup>1</sup> & Prof. K.K. Bagchi<sup>2</sup>**

**I. Introduction**

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

The right to social security ensures that everyone, regardless of age, sex, caste, community, race, religion, language, locality of residence or ability to work, 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 and the working ability of the elderly, 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, sex, disability, language, religion, national origin, income or social status). "Everyone, as a member of society, has the right to social security..." 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. Unfortunately, in India, senior citizens are not aware of their human rights due to high predominance of illiteracy and lack of awareness. On the other hand, due to relatively high physical as well as psychological

---

<sup>1</sup> Part-Time Teacher, Dept. of Commerce, Kalipada Ghosh Tarai Mahavidyalaya, Darjeeling, West Bengal, India, E-mail: archita.nayak@gmail.com, Mobile: 9474934428, 7602325056

<sup>2</sup> Professor of Economics, Dept. of Economics, University of North Bengal, Darjeeling, West Bengal, India, E-mail: kkbagchi@hotmail.com, kanakbagchi@yahoo.co.in, Mobile: 9434886016

vulnerability, their cries for help remain within four-walls, as a result, only a few cases of violation of human rights of elderly become known. In general, the rights for the elderly stem from the principles of dignity and non-discrimination. The rights of elderly can be grouped into three main categories: protection, participation and image. Protection refers to securing the physical, psychological and emotional safety of elderly with regard to their unique vulnerability to abuse and ill treatment. Participation refers to the need to establish a greater and significant active role for elderly in society. Image refers to the need to define a significant positive, less degrading and discriminatory idea of their identity and capabilities<sup>3</sup>. Rights related to the elderly are (a) right to dignity; (b) right to freedom from abuse, neglect, or exploitation; (c) right to 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.

A policy is a principle 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 or spending priorities, and choosing best possible alternatives among them on the basis of the impact they will have. Policies may be considered as political, management, financial and administrative mechanisms arranged to achieve explicit goals. For a developing country like India, population ageing may pose gigantic pressures on various socio-economic atmosphere including pension outlays, health care expenditures, fiscal discipline, savings etc. Elderly faces the most urgent need for providing care to them in a comprehensive and coordinated manner. The task of implementing the policy is a national responsibility, involving combined efforts of the government, non-government organizations (NGOs) and other social units. It should be made mandatory for all participating ministers, departments, state governments and NGOs to accelerate and participate in the programmes concerned with the welfare of elderly. A governance structure requires to be put in place which provides for transparency, accountability, evaluation and monitoring of performance and also provides a fair amount of autonomy. The goals of the policies and programmes for elderly are the well-being for them aiming to help them to live at the last phase of life 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,

---

<sup>3</sup> Age-well Research & Advocacy Centre, Age-well Study on Human Rights of Older People in India, July 2014, pp. 5-6.

provide them services so that they may improve the quality of their lives and other requirements for them<sup>4</sup>.

Indian social system recognizes family as one of the institutions that meets the social, economic and emotional needs of the elderly. In Indian society, elderly 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 for the elderly<sup>5</sup>. Elder Law refers to the area of legal practice pertaining to issues that affect elderly. The three focuses of elder law include estate planning; Medicaid, disability and long-term care; guardianship. Attorneys who work in the field of elder law bring more to their practice than an expertise in the appropriate area of law. They have knowledge of elderly and their unique needs as well as the myths related to competence and 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 paper are to review the constitutional provisions and legal protection for the elderly in India and to analyse the government programmes and policies for the welfare of elderly in India and West Bengal. The paper is organized as follows: Section I is introductory, Section II presents a brief review of literature, Section III traces out the Indian Constitutional provisions for the elderly, Section IV deals with the legal provisions relating to the welfare of the elderly, Section V analyses the government programmes and policies for the welfare of the elderly, Section VI deals with the pension system in India, Section VII has traced out the professional services to elderly in India, Section VIII deals with the additional policies and programmes for the welfare of the elderly in West Bengal and Section IX includes conclusion and suggestions. Information for the paper are data based on some published research papers, the Internet etc.

## **II. A Brief Review of Literature**

Nayak, Bagchi and Nayak (2011) presented in the Indian scenario, population ageing, health problems for the elderly, provisions for social security, privileges and benefits; human rights and provisions for healthcare etc for the elderly, mental health, health care law etc<sup>6</sup>.

---

<sup>4</sup> N. Sharma, Government Policies and Programmes for The Aged in India, Indian Journal of Research, Vol. 3 (7) pp. 207

<sup>5</sup> S. Chakrabarty, Elderly People and Human Rights: An Indian Perspective in M. Chakraborty (ed.) Human Rights in Twenty First Century: An Anthology. R. Cambray & Co. Pvt. Ltd. 2014

<sup>6</sup> Nayak, Bagchi and Nayak, Right to Health for the Aged and Role of the State in Making Health Services, B.P. Dwivedi, G. Chakraborty, R. Bandopadhyay and

Sharma (2014) discussed about government policies and programmes for the aged in India. It was mentioned that the goals of the policies are the well-being of elderly aiming to help elderly to live the last phase of their life with purpose, dignity, healthy and peace. The nation would extend support for financial, health care, shelter, welfare, protection against abuse, provide available opportunities for their potential development, seek their participation, and provide them services so that they can improve the quality of their lives and other requirements. The paper also mentioned Indian Constitutional provisions, legal measures and different services being provided to elderly<sup>7</sup>.

National Institute of Rural Development & Panchayati Raj, Hyderabad (2016) in Policy for the Aged: Opportunities and Challenges highlighted different policies for social security for the senior citizens in India and recommendations for the welfare for them. It also mentioned the initiatives taken by different Indian states and Union Territories including West Bengal<sup>8</sup>.

### **III. 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 aged. 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”.

Item No. 9 of the State List and Item 20, 23 and 24 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.

---

S. Biswas (eds), Public Health Law, Dept. of Law, University of North Bengal, 2011.

<sup>7</sup> N. Sharma, Government Policies and Programmes for The Aged in India, 3(7) IJR 207 at p. 207-209.

<sup>8</sup> National Institute of Rural Development & Panchayati Raj, Hyderabad, Policy for the Aged: Opportunities and Challenges

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 senior citizens. The concept of right to healthcare, which evolved from the right to life is getting accepted in the present Act. It creates a positive duty on the part of the state governments to establish old age homes in every district<sup>9</sup>.

#### **IV. Legal Measures**

Referred to 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 mother or father 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 property. The Act is applicable to Hindus only. It defines maintenance as providing of food, clothing, residence, medical attendance and treatment. Here, the amount is left to the discretion of the court.

According to 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 Parsis 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 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. Maintenance from family will hitherto be a matter of right for the elderly. Care includes financial, housing requirement, clothing requirement, health requirement and companionship requirement 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 against exploitation including physical and mental abuse<sup>10</sup>.

---

<sup>9</sup> Supra note 6.

<sup>10</sup> Supra note 7.

## **V. 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. 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 in close collaboration with state governments, NGOs and civil society. The Government of India 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 1998-99.

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 older persons, Help-lines and Counselling Centres for older persons, Regional Resource and Training Centres, Training of Caregivers to the older 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 w.e.f. August 15, 1995. It includes two schemes relating to elderly:

- 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).

- 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,

Different privileges and benefits provided to elderly in India are:

- Old Age Pension for the general public,
- 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 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 ages 80, 85, 90, 95, 100 years with enhanced rates 20, 30, 40, 50 and 100 per cent of pension respectively (in case of central/state government permanent employees),
- 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,
- 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<sup>11</sup>.

## **VI. Pension Systems in India**

There are three major components to the Indian pension system: civil servants pension, the mandatory pension programs run by the Employees' Provident Fund 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 social security system. A large number of India's elderly 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. Upon retirement, the individual would be able to use his pension assets to buy annuities from

---

<sup>11</sup> Supra note 6.

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 group. 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<sup>12</sup>.

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<sup>13</sup>.

## **VII. Professional Services to Elderly**

Services related to elderly may be classified into two categories:

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

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

---

<sup>12</sup> Indian Pension System: Problems and rognosis, Ranadev Goswami, Fellow, Indian Institute of Management, Bangalore, p. 38.

<sup>13</sup> Business Standard, Bangalore, September 16, 2004.

- 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 loved ones. Respite service includes both home and personal services<sup>14</sup>.

Elderly care profession is suitable to students of social sciences, social work education. Remarkable share of elderly suffer from life style disease like diabetes, hypertension, heart and diabetes, hypertension, heart and lung diseases. They need professional support/care for their doing daily activities. Elderly care is therefore an upcoming profession for providing professional assistance for everyday living of elderly and requires more attention, dedication and commitment in addition to technical knowledge and experience relating to elderly.

Elderly care givers has more job potential in metropolitan cities. Earlier, the elderly care used to be the responsibility of their family. This practice is still intact in the rural areas. In urban areas, there has been a large number of elderly living without the familiar support care. About 70 per cent of elderly 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 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 on the following stream with a view to cater to the emerging needs.

- Three Month Certificate Course on Geriatric Care is offered for those with minimum 10 pass qualification. People particularly married women, widows, persons who have inclination to work for elderly, transgender may also apply for the course and work as individual Home

---

<sup>14</sup> Available at: <https://vibrantgujarat.com/writereaddata/images/pdf/project-profiles/home-care-facility-for-senior-citizens.pdf> (visited on 23rd Nov. 2016).

Care giver/taker of elderly. They have job opportunities in old age homes and may be absorbed in the hospitals as helpers and NGOs working in the field of elderly care.

- Six Month Certificate Course on Geriatric Care is offered for those with +2 qualification. It has job potentials in old age homes/day care centres including palliative care units to work as geriatric care givers/palliative helper and supervisors in related NGOs. One Year Post Graduate Diploma in Integrated Geriatric Care (PGDIGC) is offered for those who completed under graduation. PGDIGC will help them work in old age homes as geriatric care managers and offer specialized services such as conducting to identify needs, problems and eligibility for assistances, research on ageing, screening, arranging and monitoring in-home help and other services. It also provides for reviewing financial, legal or medical issues, offering referrals to specialists to avoid future problems and to conserve assets, providing crisis intervention, making sure things are going well and alerting families of problems. Assisting with moving their clients to or from a retirement complex, assisted living facility, rehabilitation facility or nursing home, providing client and family education and advocacy and offering counseling and support. These professionals also have opportunities in leading NGOs working on elderly issues as programme assistants/coordinators<sup>15</sup>.

### **VIII. 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<sup>16</sup>.

A scheme called “Project Pranam” a 24-hour helpline is initiated in 2009 to provide safety, security and medical assistances to senior citizens 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 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 arrange various camps, get together and sports activities. Ambulance facilities are provided during

---

<sup>15</sup> Employment News, 16-22 January, 2016.

<sup>16</sup> National Institute of Rural Development & Panchayati Raj, Hyderabad 2016, Policy for the Aged: Opportunities and Challenges, pp. 23.

the time of emergencies. Hospitalisation is ensured for the caller when needed<sup>17</sup>.

The Government of West Bengal arranged provisions for pensions for the needy and elderly folk artistes through a project “Lokprasar Prakalpo”. 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 old 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 Prakalpo”<sup>18</sup>.

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 or 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. 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<sup>19</sup>.

There are total thirty-two old age homes for the poor and destitute run by the NGOs in the 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<sup>20</sup>.

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<sup>21</sup>.

---

<sup>17</sup> Kolkata Police News, Vol. 1 (8), June 2009

<sup>18</sup> Available at: <http://www.westbengal.gov.in> (visited on 03<sup>rd</sup> Oct. 2017).

<sup>19</sup> The Directorate of Pension, Provident Fund and Group Insurance, Finance Dept., Government of West Bengal

<sup>20</sup> Available at: <http://www.wpsc.gov.in/aboutus.htm> (visited on 12th Sep, 2017).

<sup>21</sup> Available at: <http://www.wbprd.gov.in/HtmlPage/SSECURITY.aspx> (visited on 3rd Oct. 2017).

The retirement ages of college and university full-time regular teachers, principals including librarians and graduate laboratory instructors in the West Bengal have been increased to 62 years from existing 60 years<sup>22</sup>.

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, senior citizens 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, senior citizens 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 senior citizens who face harassment and eviction by their families<sup>23</sup>.

Career mela for senior citizens in Kolkata: To help senior citizens to step into life second career options after retirement, the West Bengal Housing Infrastructure Development Corporation (WBHIDCO) is holding a senior citizen mela to help them train and choose career options. In the mela workshops are being held to help senior citizens learn on cooking and home delivery, IT and desktop publishing, handicraft and run a boutique, beautification course to run a beauty parlour. Seminars are being held on legal matters, developing writing skills and net publishing, home tourism, financial management etc<sup>24</sup>.

Free medical service for senior citizens in Kolkata: Bidhannagar Municipality has taken a decisive step to show the rest of country how to take care of the elderly. It has decided to take a unique initiative to provide free emergency medical services to the elderly who live alone in Salt Lake<sup>25</sup>.

## **IX. Conclusion and Suggestions**

In this paper, Indian Constitutional provisions for elderly, legal measures including the Hindu Adoption and Maintenance Act, 1956 and the Muslim Law, different policies and programmes for welfare of elderly in India and pension systems in India have been highlighted in brief. This paper has also highlighted, in brief, the job opportunities for services related to elderly in homes, in old age homes, hospitals etc. It has also mentioned different professional courses relating to the services of the elderly.

---

<sup>22</sup> Notification No. 561-F(P), Dt. 31.01.2017, Govt. of West Bengal, Finance [Audit] Department

<sup>23</sup> Available at: <http://wb.gov.in/portal/web/guest/women-and-social-welfare>

<sup>24</sup> The Hindu, March 2, 2014

<sup>25</sup> The Times of India, June 16, 2014

Additional policies and programmes for welfare of elderly undertaken by Government of West Bengal have also been pointed out here.

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

Elder 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. 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 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 elder 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<sup>26</sup>. 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 senior citizens 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 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

---

<sup>26</sup> The Times of India, June 15, 2015

Bappa murdered them<sup>27</sup>. In Such unfortunate incidents have been numerous and happening both in rural and urban areas in India, particularly in metropolitan cities and surrounding areas. Elderly living alone or elderly couples living alone are the prime targets of criminals and opportunity seekers. Rules/laws for the elderly must be made friendly to elderly; above all, society must be liberal and sympathetic towards the elderly who have rendered their services throughout their life to the society and reached at their last phase of life.

---

<sup>27</sup> Press Trust of India, Kolkata July 17, 2015