

THE TENTH SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:

Focus Area: Social protection and social security (including social protection floors)

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National legal framework

1. What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?

The National Policy on Older Persons was notified in 1999 and updated in 2011. The well-being of senior citizens is mandated in the Constitution of India under Article 41. As Indian government's revenue base improved, non-contributor social security schemes like old age pensions, widow pensions, etc, have taken off. India has contributory schemes through the Employees State Insurance Act, 1948; and provident fund, pension and deposit linked insurance schemes through the Employees' Provident Funds Act. The major social protection legislation is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which has provisions for compensating parents and police intervention in case of abuse, and Protection of Women from Domestic Violence Act.

Availability

2. What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?

India offers monthly pensions for older persons. The Public Distribution System of essential food grains is universal and covers senior citizens too. Government airlines, railways and bus systems offer universal travel concessions. State also offers income tax relief, medical benefit, extra interest on savings, and is in the process of bringing informal sector also into the provident fund. A network of shelter homes, day care centres, medical vans, helplines, etc, in urban areas, run directly by state or funded through NGOs are growing. However, out of an estimated work force of about 397 million, only 28 million are having the benefit of formal social security protection.

3. What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?

India's social security schemes cover Pension, Health Insurance and Medical Benefit, Disability Benefit, Maternity Benefit and Gratuity. The National Programme for Health Care of the Elderly (NPHCE) seeks

to build capacity at the local level for geriatric care. As a result of the policy focusing on widening the network of geriatric wards, 599 district centres in 35 States/union territories and 19 Regional Geriatric Centres (RGCs) in 18 States/ UTs have been sanctioned. Now, India has launched the world's largest public health insurance programme called National Health Protection Scheme (PMJAY) which offers Rs.500,000 coverage per household to 10 crore poor families in public and private hospitals.

Adequacy

4. What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?

Governments periodically review pension payments to ensure they keep pace with inflation. However, the pension amount arguably meets bare minimum necessities. Since the 2011 National Health Policy, primary healthcare system is strengthened by larger budgetary support to provide geriatric care facilities and curative, restorative and rehabilitative services at secondary and tertiary levels. Twice in a year the PHC nurse or the ASHA worker conducts a special screening of the 80+ population of villages. Public hospitals have separate lines for elderly to ensure shorter wait times. Difficulties in reaching a public health care facility are being addressed through mobile health services, special camps and ambulance services.

Accessibility

5. What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?

Thanks to India's robust politics at grassroots and decentralization of governance, elderly are increasingly becoming aware of government social security schemes. However, the main social protection law -- Maintenance and Welfare of Parents and Senior Citizens Act, 2007, isn't well advertised. A childless senior citizen can claim maintenance from any relative who possess his property or who would inherit it through a tribunal with a maximum maintenance allowance not exceeding Rs. 10,000 per month. The Act provides for at least one old-age home in each district with a capacity to shelter 150 senior citizens and prescribes punishment for abandonment of parents or senior citizens by a person who is liable to take care of them.

6. The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?

The policy considers institutional care as the last resort when personal circumstances are such that stay in old age homes becomes absolutely necessary. Preference in reservation of seats and earmarking of seats in local public transport; Modifications in designs of public transport vehicles for easy entry and exit; Priority in gas and telephone connections and in fault repairs; Concessions in entrance fees in leisure and entertainment facilities, art and cultural centres and places of tourist interest are now being implemented. Speedy disposal of complaints of older persons relating to fraudulent dealings, cheating and other matters is a focus area.

Equality and non-discrimination

7. Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?

India is experimenting with a direct benefit transfer scheme to ensure money reaches the bank accounts of elderly without passing through intermediaries. Villages without banks have banking correspondents visiting them. The presence of political workers, social activists, village panchayat administration, ASHA workers, strong community networks, family ties, help elderly in rural areas get access to social security schemes. The elderly in urban areas do not have benefit of these networks but they are generally more world-aware. Local Police are directed to keep a friendly vigil on older couples or old single persons living alone and are a boon to elderly in urban areas.

Accountability

8. What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?

Every village panchayat is mandated to hold gram sabhas where every member of village and every ward in a city corporation must hold ward committees where all citizens can attend and make complaints to the elected representative at the lowest tier of democracy. Some states are also considering registering criminal cases against those, who neglect their aged old parents. Only 7% of the funds released to states from the National Programme for the Healthcare of the Elderly are being utilised. Creating administrative structures to ensure fund utilisation is the next challenge.

9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?

Under Section 20(1) of the Hindu Adoption and Maintenance Act, every Hindu son or daughter is under obligation to maintain aged and infirm parents if they are unable to maintain themselves with the amount determined by a court. In 2007, the Maintenance and Welfare of Parents and Senior Citizens Act was passed to provide maintenance support and protection of life and property of older persons. The Act establishes the Maintenance Tribunal to provide speedy and effective relief to elderly persons. The Protection of Women from Domestic Violence Act creates post of Protection Officers to address complaints of women suffering from domestic abuse.