

## **Focus Area 2: Economic Security**

### **National Legal and Policy Framework**

The Constitution guarantees a right to life and liberty apart from other fundamental rights to all citizens of the country. The enjoyment of social and cultural rights are also included in the Chapter on Fundamental Rights in the Constitution. The provisions pertaining to economic wellbeing are included in the Chapter on Directive principles of State Policy. The difference between the two chapters is that Fundamental Rights are inalienable and justiciable but economic wellbeing is only the guiding principle and the State may fulfill it as far as resources allow. There are various laws in the country that guarantee social security, minimum wages and other benefits to the workers but there is no specific mention of older persons or no law that specifically regulates working conditions of older people. The most recent data published by Govt. of India on older persons based on the results of Longitudinal Study of Ageing in India (LASI) suggests though it is estimated that 36% of the older persons were 'currently working'. 65% were engaged in agriculture and allied activities. 7% of the older person were those who retired from organized sector and only 19% of these were receiving pension. The mean monthly earnings of the elderly engaged in any type of work were lower than those of older adults in the age group of 45–59 years. The per capita income of the household with an elderly member is less than that of the one without and elderly member and monthly per capita expenditure higher.

Traditionally, poverty was defined and counted in monetary terms but now India has adopted defining and counting poor on a multidimensional scale that includes 12 indicators of health, education and standard of living. This professedly will help the government to make schemes more effective and efficient by targeting only that or all that a person/ family lacks. According to the Socio Economic and Caste Census (SECC) that was conducted in India in 2011, more than 50 million older person were living below the poverty line. The government now has district wise data of multidimensional poverty so it will be easy for them to target the elderly at micro level. This should be able to solve the problem of inclusion and exclusion errors that marred the anti-poverty and social security schemes of the government for many years.

### **Progressive realization and the use of maximum available resources**

National Policy on Older Persons acknowledges the older persons as a resources and has provisions for ensuring adequate social security and opportunities for gainful employment. However, the implementation of the provisions has not kept pace with the demographic and socio-economic changes.

National Pension System that is based on defined contribution of the subscriber that was introduced to ensure pension in old age. The number of subscribers rose to 475 million in

November 2021. Noticeable increase in numbers was registered in the category of central and state government and corporate employees. There was a 3% decline in NPS Lite and the subscribers under *Atal Pension Yojana* (Scheme) meant for unorganized sector workers the number was only 30 million.

There was no substantial change in the social pension amount given under National Social assistance Programme. The Central Contribution remained as low as Rs 200 per month (USD 2.6 approximately). Post pandemic poverty estimates have gone to show substantial increase in people living below the poverty line due to loss of job or pay cut. But, no long term targeted programme was introduced for older persons. Though it is common knowledge that when families are in distress the older person are the first to suffer loss of food and medicine.

Some efforts have been made by the Govt, of India to include older person in the National Livelihoods Mission through the Elders' Self Help Groups. The model is based on providing seed capital to the Group for credit and livelihood ventures. This initiative may be able to help the rural poor elderly and may set the tone for future developments.

### **Equality and non-discrimination**

Indian Parliament passed a model legislation entitled Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This path breaking law ensures legal right to older persons to maintenance by the family members and the government is under obligation to provide geriatric health care and old age homes in each district for destitute older persons. The implementation is uneven due to many cultural and administrative factors. But, some progress has been made in terms of number of cases reported to the Tribunals, government run old age homes, implementation of National Programme of Health Care of Elderly that has components of training geriatricians, and clinical facilities from primary to tertiary facilities. This law is under review to expand its scope in myriad ways.

There are mechanisms to redress procedural grievances of pensioners under any schemes, but for any substantial issues like amount and scale they may only file a Public Interest Litigation in the Supreme Court as denial of rights of a large group of people.

Given the demographic reality of the country, there is need to think in terms of definite/direct laws that ensures rights of older persons; stating it in National Policy on Older Person may not be enough. In the post pandemic world that is trying to Build Back Better there should have been active initiative to include older person in reskilling particularly in digital space. If technology driven solutions are the future then what better way to include older person in it. Moreover, older person are more suitable for any work that is not physically straining.