

Maintenance and Welfare of Parents and Senior Citizens

Government Schemes for the welfare of senior citizens

(1) Ministry of social justice & empowerment:

The ministry of social justice & empowerment is the nodal ministry responsible for welfare of the senior citizens. It has announced the National Policy on Older Persons, which seeks to ensure the older persons that their concerns are national concern and they will not live unprotected, injured and marginalized. The National Policy aims to strengthen their legitimate place in the society and to help older people to live the last phase of their life with purpose, dignity and peace. The National Policy, inter alia, visualises support for financial security, healthcare and nutrition, shelter, emphasis upon education, training and information needs, provision of appropriate concessions, rebates and discounts etc. to senior citizens and special attention to protect and strengthen their legal rights such as to safeguard their life and property. The National Policy on Older Persons confers the status of senior citizen to a person who has attained the age of 60 years. The ministry has also written to all the ministries/state government concerned for adopting a uniform age of 60 years for conferring the status of senior citizen to a person and for extending facilities/ concessions to them. The ministry is also

implementing general schemes for the benefit of senior citizens, including the Scheme of Assistance to Panchayati Raj Institutions/ Voluntary Organisations/Self Help groups for construction of Old Age Homes/multiservice centre is provided. An Integrated Programme for Older Persons has been formulated by revising the earlier scheme of Assistance to Voluntary Organisations for Programmes relating to the Welfare of the Aged. Under this scheme, financial assistance up to 90% of the project cost is provided to NGOs for establishing and maintaining old age homes, day care centres, mobile medicare units and to provide non-institutional services to older persons.

2. Ministry of Railways

Indian Railways provide 30% concession in all classes and trains including Rajdhani/ Shatabdi Express for both males and females aged 60 years and above. Indian Railways also have the facility of separate counters for senior citizens for purchase/ booking/cancellation of tickets.

3. Ministry of Finance

Section 88 of Finance Act 1992 provides income tax rebate of upto Rs 15,000 or actual tax, whichever is less, to senior citizen who have attained the age of 65 years at any time during the relevant previous year. Senior citizens are excluded from 'One by Six' scheme for filing the Income Tax Return under proviso Section 139(1). For senior citizens, the deduction in respect of medical insurance premium is upto Rs. 15,000 under Section

80D. The Reserve Bank of India has permitted high rates of interest on saving schemes of senior citizens (persons having the age of 65 years and above). Accordingly, with effect from May 15, 2001, the banks permitted 0.5 per cent higher rate of interest on fixed deposits.

4. Ministry of rural development

Under the National Old Age Pension Scheme, a fixed amount per month is granted to destitute older persons above 65 years by the centre. This scheme has been transferred to the State Plan with effect from 2002-03. Under the Annapurna Scheme, free food grains (wheat or rice) up to 10 kg per month are provided to destitute older persons 65 years or above who are otherwise eligible for old age pension but are not receiving it. It is really very shocking to see the terrible conditions of the helpless abandoned parents which is itself a glaring symbol of social and moral degradation as well. But their days will not be the same as the Maintenance and Welfare of Parents and Senior Bill 2007 is about to become law (the Bill has been passed by both the houses of the Parliament). The salient features of the Bill include:

- (a) The Bill would provide for imprisonment of up to 3 months and a fine up to Rs 5,000 for those who abandon their parents.
- (b) After becoming an Act, it will be enforced by the state government concerned. The date on which the Act will come

into force will be notified by the state government concerned in the official gazette.

(c) Under clause 5(1) of the Bill, a senior citizen or a parent may apply for maintenance under clause 4 of the Bill. If the senior citizen or the parent is incapable, any other person or a voluntary organization authorised by the senior citizen or parent can apply for maintenance on their behalf.

(d) The tribunal may take cognizance suo motu (that is, it can act on its own cognizance). The said tribunal may, when a proceeding regarding monthly allowance for the maintenance under this section is pending, order such children or relative to pay a monthly allowance for the interim maintenance of the senior citizen including parent.

(e) The state government is required to constitute, within a period of six months from the date of the law (Act), tribunals for the purpose of adjudicating and deciding upon the order of maintenance under clause 5.

(f) As per the Bill, the states would have to provide separate outpatient departments for senior citizens and to expand the facilities for treatment of chronic, terminal and degenerative.

(g) According to clause 4(1), the senior citizen including parent is entitled to apply for maintenance under clause 5 if he is unable to maintain himself from his own earnings or out of the property owned by him. A parent or grandparent can make an application for maintenance against one or more of his children

who are majors (children includes son, daughter, grandson and granddaughter). The obligation of the children to maintain his or her parent extends to the needs of such parent, either father or mother or both, as the case may be, so that such parent may lead a normal life.

(h) A childless senior citizen, on the other hand, can make an application against his relative (relative means any legal heir of the childless senior citizen who is a major and is in possession of or would inherit the property after the childless senior citizen's death, property means property of any kind, whether movable or immovable, ancestral or self-acquired, tangible or intangible and includes rights or interests in such property)

(i) If the senior citizen has transferred, by the way of gift or otherwise, his property, subject to the condition that the relative shall provide the basic amenities and basic physical needs to the senior citizen and such relative refuses or fails to provide such amenities and physical needs, clause 23 (1) says the said transfer of property shall be declared void by the tribunal, if the senior citizen so desires.

(j) The state government is also required to prescribe a comprehensive action plan for protecting the life and property of senior citizens. This is also a welcome provision since the vulnerable senior citizen can be easily harmed or hurt.

Of course there are certain limitations of that Bill. However, experts believe that the Bill in its present form will meet the needs of only parents and senior citizens from educated families, propertied classes and urban areas. It cannot cater to the needs of parents and senior citizens belonging to the poorer sections of the society of hailing from villages. It is also unfortunate that the government has not made any serious attempt to cover the senior citizens under Group Health Insurance Scheme. The Bill does not cover old age pension perhaps because the state governments are implementing the Old Age Pension Scheme. But the amount of pension and the eligibility criteria are not uniform across the states, under the said scheme. The Bill should have mandated the state government to pay old age pension to the senior citizens adequately and uniformly across the country.