

A Critical Analysis of Policies and Programmes for the Welfare of Older Persons

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Abstract— There is a Sanskrit phrase which says “Pitru Devo Bhao” and “Matru Devo Bhav”, clarifies the emotion associated with the parents. We all know that India has had a long-standing custom of providing older persons a place of respect in all basis of life. Still, the circumstances and status of the older persons in the contemporary society is being undermined due to various reasons including the breakdown of the joint family system. But presently in the nuclear family system, the care of the aged by children’s as burden. As a result of this, there is shifting of responsibilities from family members to public or commercial organizations. Hence different legislation and welfare schemes and policies for older persons have been evolved and implemented by the Government. The objective of this paper is to analyse the support systems offered by the Indian Constitution, law, agendas and planning for the fine being of the older one.

Keywords— Older individuals; Security in the Society; Constitutional rights; Policies; Plans; Programmes.

1. Introduction

The situation of aging, one can argue that despite of the disturbing trends and characters of greying people in India, the problem and subjects associated with older persons for long has not been given solemn concern. The cause is the belief that the traditional age-old joint family system is considered to be instrumental in preservation the economic and social safety of the older persons in Indian society. However, with the fast transformations in the social scenario and the budding prevalence of nuclear family set-ups in recent years, older person’s population is experiencing various insecurities with respect to emotional, physical and monetary insecurity. However, recently, the situation is getting attention based on policy makers, government establishment and voluntary organizations which have resulted in various schemes/programs and support mechanisms for the older persons. The increase in interior rapport of family and the role of exterior rapport is becoming equally important for the older persons (Kanchan Bharati and Charan Singh, 2013).

2. Review of Literature

In India, the government’s concern for the old and the aging of the population as a priority started with India’s

involvement in the World Assembly Conference - Vienna in 1982, where India adopted the United Nations International Plan of Action on Aging. This plan focused on the government’s role in adopting programs aimed at providing care and protection to the old, while synchronizing these with the changing socio-economic conditions of the society. Following participation at the World Conference, the Government, by way of stressing its intentions for the welfare of the old, began to recognize the old as a social category that needs specialized attention (Shankardass, 2004).

Several laws were enacted in the 1950 to 1980s to enhance the security of the aged. These included the Employee’s Provident Fund (EPF) and various provisions act of 1952, a step towards making welfare provisions for the future of industrial workers after retirement or for the benefit of their dependents in case of early death. The family pension scheme was passed in the year of 1971, helped to extend a lot needed long term guard for relations of industrial workers who die earlier. Without this program, the accumulations in the PF fund were to render adequate family protection for industrial workers. These provisions benefitted government and industrial workers in the structured sector are about 10% of all India’s work force. Employees in cultivation and small business (the unorganized sector are not covered (S.D Gokhale, 2005).

A report on the *National Policy on Senior Citizens*, March 2011 by Dr. Mrs. Mohini Giri, Mr. M.M. Sabharwal, Mr. K.R. Gangadharan and Dr. Sheilu Sreenivasan. Promote the concept of ageing in place, own residence or homecare supports, income refuge, old age annuity, access to healthcare insurance schemes and other plans and supports for facilitate and carry on dignity in old age. A book written by *Paramjeet Kaur Dhillon* (1992) called *Psycho-Social Aspects of Aging in India*; the book examines the key issues of aging in the larger context, viz., the effect of age and sex; social class; retirement and institutionalization on the psychological processes of the aged. The book provides valuable information to elderly citizens of today and the future, policy makers and those who implement welfare programmes for the aged. (328)

3. Theoretical Framework

The hypothetical frame of the study is cramped to legal rights, Policies, Legislation, and Social safety plans offered for older persons in India. With enacting Acts, the

legislature and Policies and programmes appears to have taken adequate care, to safeguard the rights of the older people. However, there still lie few grey areas. To assess the utility or effectiveness including feasibility it is necessary that the said legislation shall be implemented at least for 10 to 12 years. In absence of this period, it will be difficult to identify the lacunas or difficulty in the same. Government has to adopt suitable mechanism to create awareness in general public, regarding legal rights, Legislation, Policies and programmes and shall be given wide publicity so that it could reach to the last person in the society.

Social security or safety is considered as a basic human right. The objective of the social security is to protect and provide livelihood to those who are unable to earn their livelihood, because of constant or temporary reasons. The older persons need social protection as they cannot go for work and earn for them owing age factor. The fundamental suitable criterion of the National Old Age Pension Scheme requires to be liberalized; the piece of profit under the scheme is also to be improved. The subsidized insurance schemes need to be enlarged to wrap all segments of the unorganized segments that linked to the welfare funds and streamlined in so far as the subsidy factor is concerned. So the scheme of social safekeeping in India will consist of a multi-tiered formation. Indeed, there is a following structure though in elementary form in the primary tier there is the National Social Assistance Programme and such supporting programmes for social assistance. In secondary tier there are some social insurance schemes like ESI, Employers' Liability Schemes and these schemes framed under the EPF Act. In the last level, there are a choice of Voluntary Health Insurances and Old Age Pension schemes that are being run by Life Insurance Corporation, Unit Trust of India and other Government related Financial Institutions. However, adequate actions should be made for institutional care of those who are not having relations or who abandoned in taken care of by their families.

4. Operational Definitions

4.1 Older Persons

In January 1999, the Government of India had adopted a National Policy on Older Persons. The policy defines a person as an "older individuals according to the age of 60 years and above. Therefore in this paper "Older Persons" defined as, men and women who is aged 60 and 60+ years.

4.2 Social Security

According to ILO, Social security is the protection that offers to individuals and family to make sure the access to health care and to assured income security, particularly in cases of old age, sickness, unemployment, work injury,

invalidity, maternity or loss of a bread winner. The same definition we used in this paper.

4.3 Constitutional Rights

In this paper, Constitutional Rights means the rights that protect the interests of older persons in their dealings with Justice System.

4.4 Legislations

In Indian Justice System, Legislations is a set of Acts of enacting laws. Here, in this paper, the legislation means Acts which are related to older persons enforced by Government of India.

5. Objectives

- Know the demographic profile of the older persons.
- Analyse the support systems provided by the Indian Constitution, Legislative measures and Policy frame work for the well being of the older persons.
- Analyse various programmes for the welfare of the older persons.
- Suggest measures to improve the policies, programmes and strategies for the welfare and development of the older persons.

The present paper is based on a historical research design. The study is based on secondary data. Secondary data collected through books, journals, previous studies, suggestions and discussions with the guide and experts. The paper confined to older persons aged 60 years and above.

6. Demographic Trends of Older Persons in India

In India, as a result of the change in the age composition of the population over time, there has been a progressive increase in both the number and proportion of aged people. The population proportion of 60 years or more has been rising consistently over the last decades, especially after 1951. In 1901 population proportion of aged 60 or over of India was about 5 percent, which marginally increased to 5.4 percent in 1951, and On account of better education, health facilities and increase in life anticipation, the proportion of elders, that is 60 plus has gone up from 5.3 to 5.7 percent during 1961-1981 and 6.0 to 8.0 percent during 1991-2011. And it is projected to be 25% by 2021.

Table1: Growth of older Population in India from last Three Decades in Percentage

National Surveys	Total
Census of India 1991	6.8%
Census of India 2001	7.4%
Census of India 2011	8.6%

Source: Census of India 1991, 2001, 2011

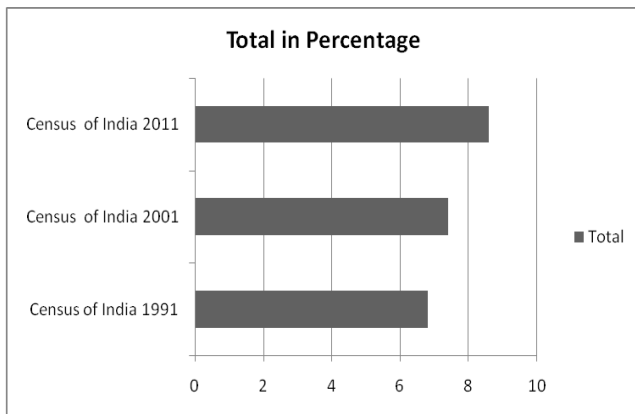


Fig.1: Growth of older Population in India from last Three Decades in Percentage

About 75% of persons of age 60 and above reside in rural sectors. There was a steady increase in the share of elderly peoples (aged 60 or 60+) in the total proportion over the last decades. As in 1961 5.6%, the percentage goes up to 7.4 in 2001. For males the go up was more diffident from 5.5% to 7.1%, even as for females there had been a steep ascend from 5.8% to 7.8% throughout the censuses from 1961 to 2001 and 8.6% in 2011. The observation is that for most of the age groups, Male-Female differences according to the age factors of population are insignificant apart from the combined age-groups of 0-14, 15-59, 60+ and 65+.

Table 2: Distribution of Population by 60+ Age Group to Total Population by Sex and Residence in India, 2011

Total	Male	7.7
	Female	8.4
	Total	8.6
Rural	Male	7.8
	Female	8.4
	Total	8.1
Urban	Male	7.6
	Female	8.2
	Total	7.9

Source: Census of India-2011

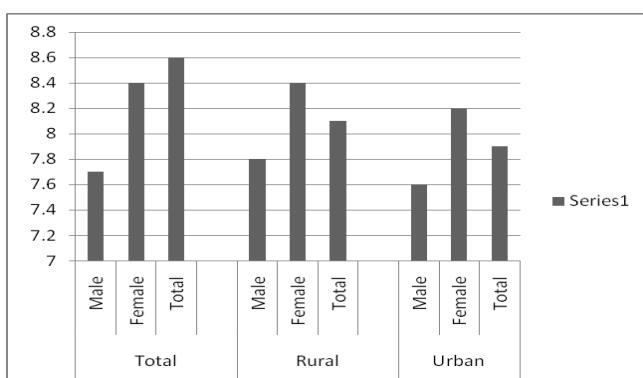


Fig. 2: Distribution of Population by 60+ Age Group to Total Population by Sex and Residence in India, 2011

7. Policies Governing Welfare of the Older Persons based on the Constitution of India

In Constitution of India, entry 24 in list III of schedule VII considers with the “Welfare of Labour, concerning the setting of work, Provident fund (PF), liability for workmen’s reimbursement, invalidity and pension in old age and motherhood benefits. Furthermore, item number 9 of the State List and item number 20, 23 and 24 of concurrent list related to the old age pension, social security and social insurance, economic and social arrangements. Article 41 of Directive Principles of state strategy has meticulous significance to old age social refuge. According to this Article, the State will, within the limits of its economic capability and development, make effectual provision for protect the right to work, to education and to public aid in case such as unemployment, old age, sickness and disablement, and in other cases of unwarranted. Right to equality has been assured as a Fundamental Right by the Constitution of India. These provisions are applied equally to the older persons. Social protection has been made as the simultaneous responsibility of the Central and State Governments.

7.1 Code of Criminal Procedure, 1973

Section 125(1) and (2) makes it incumbent for a person having adequate means to preserve his any of the parent who, is unable to uphold himself and on getting evidence of neglect or rejection, may be ordered by a magistrate of first class to make a periodical allowance not exceeding Rs.500/-. It is appropriate to all, irrespective of their faith, religion and religious persuasions, and contains adoptive parents. This section has been interpreted by the Supreme Court in its judgment to make daughters and sons, married or unmarried, who equally responsible to maintain their parents.

7.2 Hindu Adoption and Maintenance Act, 1956

The right of parents with no means to be supported by their kids having plenty means has been conventional by 1973 code of criminal procedure, section 125 (1) (d) and Section 20 (3) of Hindu Adoption and Maintenance Act, 1956. This act gives a constitutional recognition to the well recognized normal obligation of a Hindu child (male or female) to maintain his aged or infirm parents, as long as they are not able to maintain themselves.

7.3 The Maintenance and Welfare of Parents & Senior Citizens Act, 2007

The act has to ensure the need based protection for parents or senior peoples and their welfare and sought to redress their grievance with an emphasis and focus on the

older persons. From a layperson point of view, it is actually shattering to tell again that the senior citizens are most probably neglected, turn into desolate and find it very difficult to earn out their livelihood. Some of them will manage by finding a place in old age homes, others may decide to beg or die due to hunger and uncared. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has created a serious attempt to make justice to them. This act very briefly states with 32 sections and it applies exclusively to the older persons who are above the age of 60. It ensures that upholding of aged by their family will the right of the parents. It should be the duty of the children to maintain their parents. The salient characteristics of 'The Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 are as follows:

- Maintenance of parents or senior citizens by the children or by the relatives made obligatory and justifiable through Tribunals
- Revocation of transfer of possessions by senior citizens in case of carelessness by relatives.
- Penal provision for abandonment of older persons.
- Establishment of old age homes for indigent older persons.
- Adequate medical facilities and security for older persons.

E.S.I. Employees' State Insurance Act, 1948 envisaged an incorporated need based social insurance system that would protect the interest of workers. The Standing Committee of the ESI Corporation, in its meeting held on 13th Dec., 2005, has approved certain medical facilities to the pensioners of the E.S.I.C. under the name and style of Medical system, of "E.S.I.C. Pensioners' 2006" that shall come into force w.e.f. 1st April, 2006.

The Unorganized Worker's Social Security Act, 2008 mentions Section 3(1) provides for formulation of schemes by the Central Government for dissimilar sections of unorganized employees on relating to (a) life and disability cover; (b) health and motherhood benefits; (c) old age guard (d) other benefit as may be determined by the Central Government.

7.4 National Policy for Older Persons, 1999

The central government came out with the National Policy for Older Persons in 1999 to endorse the health, safety, social protection and good being of senior citizens in India. The Policy recognizes person of aged 60 and above as a senior citizen. These policies strive to encourage families to take care of their older members. It also facilitates and encourages voluntary and non-governmental organizations to supplement the care given by the family and offers protection and care to vulnerable older person's people. The policy has identified a number of areas of interference such as economic security in old age, healthcare, shelter, education, welfare, protection of life and belongings etc. for the welfare of older persons in the

country. The main objective of this policy is to make older people fully independent citizens and help older persons to live the last phase of their life with purpose, dignity and peace.

7.5 National Policy for Older Persons, 2011

This policy looks at the increasing prolonged survival of the people. The crucial point of this strategy is on older persons, particularly older women and the oldest one. Carry "the consideration of aged in Place" or aged in own home, housing, income safety and homecare services, old age pension, contact to healthcare insurance policies and other programmes to facilitate and sustain decorum in old age. The push of the policy would be preventative rather than cure. The policy will regard as institutional care as the last resort. It identifies that the care of senior citizens has to stay vested in the family which would partner the neighbourhood, government and non-government sectors.

8. Programmes for Welfare of the Older Persons

8.1 National Council for Older Persons

It has been constituted by the Ministry of Social Justice and Empowerment to function the National Policy of Older Persons. The NCOP is the nominated office for reception of suggestions, grievances and complaints from older persons. The fundamental objectives of the National Council for Older Persons (NCOP) are to advise the Government on policies and agendas for older persons, make available of feedback to the Government on the execution of the National Policies as well as on precise programme proposals for older.

8.2 Incorporated Plan for Older Persons (Revised –w.e.f. 01.04.2015)

Incorporated Programme for Older Persons executed by the Ministry of Social Justice and Empowerment is being from 1992. It offers financial support up to 90% of the project expenses to NGOs as on March 31, 2007. This money is used to set up and retain old age homes, day care cores, and mobile Medical support units to give non-institutional services to aged persons. The objective of this Scheme is to improve the excellence of life of the Older Persons by offering basic amenities like food, shelter, medical care, entertainments and by encouraging creative and active ageing through initiating support for capability building of Government, NGOs, Panchayati Raj Institutions or local bodies.

8.3 Indira Gandhi National Old Age Pension Scheme

Indira Gandhi National Old Age Pension Scheme (IGNOAPS) is the major welfare scheme for the aged

implements by The Ministry of Rural Development. Earlier known as National Old Age Pension Scheme, launched in 1995, under the scheme renamed in 2007, BPL persons aged 60 years or above are allowed to receive monthly pension of Rs. 200 up to the age of 79 years and thereafter Rs.500 (Earlier the age limit was 65 years). At present central government provides two hundred rupees under IGNOAPS, to which state government adds an additional amount. But much is to be done, as in the old age, medical expenses is also increased. This is put into practice in the State and Union Territories through the help of Panchayats and Municipalities.

8.4 National Programme for the Health Care for the Older Persons

The Ministry has taken a new initiative known as the National Programme for the Health Care of the Older Persons (NPHCE) in the Eleventh Five Year Plan. The programme has been employed from the year 2010-11. The objectives of the plan are to give up the prevention, healing and rehabilitation services to the older persons person's at a range of health care delivery scheme of the country, Strengthen referral system, expand particular man power and promote researches in the field of diseases related to old age. And to facilitates Geriatric clinic in several government hospitals.

9. Facilities from Different Ministries of India

9.1 Ministry of Road Transport and Highways

The road transport and highways ministry took proposal for making reservation of two seats for older persons in state road transport buses. Some state governments are giving fare concession to older persons in the state road transport services and its undertakings. Some other state governments are introduced Bus Models, which are convenient to the older persons.

The *Ministry of Civil Aviation*, under the Ministry of Civil Aviation offer air fare allowance up to 50% (male passenger aged 65+) and female passenger aged 63+. 40% and 50% concession in rail fare for male travellers aged 60+ and female passengers aged 58+ respectively.

9.2 Ministry of Human Resource Development

- To encourage universities/departments/ research centres to develop and deliver suitable educational and guidance material pertinent and helpful for older persons.
- To inculcate the traditional standards in education scheme in order to eliminate chauvinisms against the older persons.

- Primary education sector to be supplemented by voluntary instructors among the senior citizens in institutions facing the problem of shortage of teachers.

9.3 Ministry Of Women and Child Development

- Formulation of specific programmes/ schemes for the social, economic, health, safety and welfare of the older women and including a similar component in the existing schemes/programmes.
- To take a proactive stand for the older persons destitute women and give priority to their problems under their existing systems.
- To build up the nutrition courses for the older persons women.

9.4 Ministry of Law & Justice

- Free legal aid to the senior citizens
- Quick disposal of litigations involving senior citizens

9.5 Ministry of Home Affairs

- Equal access by older persons to food, shelter, medical support and other services throughout and after natural calamities and other humanitarian emergencies.
- Enhanced contributions of older persons to the re-establishment and re-construction of communities and the reform of the social structure following emergencies.
- Elimination of all forms of neglect, abuse and violence of older persons.
- Creation of support services to address elder abuse.

9.5 Ministry of Information & Broadcasting

- To educate the society about the issues related to the senior citizens.
- Identification of subjects related to older persons, production of programmes and their telecast/ broadcast.
- Publicizing and keeping the concerns of the older persons in constant public focus.
- To micro finance the self-help groups of older persons to undertake income- generating activities.

10. Critical Analysis of the Policies, Programmes and Strategies for the Older Persons

In view of the rising population of the aged in the country there is a need to prepare a focused policy, Programmes and Acts for the older persons. Similar to other countries, India is also facing challenge in addressing the old age issues of rising population of the older persons. But with family institution itself undergoing a change, the

help of government in the form of various social security measures targeted towards older persons are significant that aim at ensuring their financial independence and dignity. There are two types of older person's population in the country – earning pensions and non-pensioners. First, the older persons who have generally retired from the organized sector are drawing pensions while some others who were financially literate and economically sound could be drawing pensions from their contractual/contributory pension schemes.

The Government of India has endorsed the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for given that the need-based protection and most important part of the bill is to make the protection of the parents by their family members based on legal rights. In India, for a lot of older, children (especially male) represent an old age security (Jamuna, 2002- Pp: 195-196). With enacting this Act, the legislature appears to have taken adequate care, to safeguard the rights of the older persons. However, there still lie few grey areas. To assess the effectiveness it is necessary that the legislation shall be implemented at least for 10 to 12 years. In absence of this period it will be difficult to identify barriers. In order to put into practice the act more efficiently and make justice freely and speedily, the Central Government should come forward to remove the above referred drawbacks. Otherwise very purpose of enacting this Act to provide secure life to senior citizens may not be fulfilled. The Himachal Pradesh Legislative Assembly passed the Maintenance of Parents and Dependents Bill, 1996 in Himachal Pradesh. Other States will be optimistic to pass parallel legislations so that the old parents unable to uphold themselves never face desertion and acute neglect.

Ministry of Social Justice and Empowerment, the Government of India, is responsible for undertaking a special care of their welfare, care and protection by initiating various programs and projects. The NPOP aims at providing a broad structure for inter-sectoral teamwork and assistance within the government, between the government and NGOs. Among others, the policy also recognises the role of the NGO segment in offering comprehensible, reasonable services to supplement and harmonize the public systems. However, recognising the need for encouraging productive ageing, the policy is also emphasises the significance of the family in providing imperative non-formal social safekeeping for older persons (S. Irudaya Rajan and U.S Mishra-2011). To facilitate the implementation of the policy, the participation of Panchayati Raj Institutions, State Governments and different Government Departments are foreseen with coordinating responsibility resting with the Ministry of Social Justice & Empowerment.

Ageing engages a shift from embryonic plans for older persons to inclusion of older persons in the policy making process, considering into their visions and suggestions when developing and implementing policies that affect

them. Such participatory approaches involve identification of stakeholders and reviewing the national policies and defining priorities for action. For this, existing policies and schemes as fine as laws and regulations should adequately reflect the concerns of persons of all ages.

11. Conclusion and Suggestions for Improvement

The social refuge programmes and policies appear to have taken adequate care, to safeguard the rights of the older persons. However, there still lie few grey areas. The challenge of put into practice multi-level and multi-dimensional mandate is significant, there needs to be clearer accountability set for every stakeholder in terms of measurable and time-bound outcomes. It calls for coordination, leadership, effective strategising, lobbying, networking, and sponsorships. Above all is for effective monitoring, feedback and concurrent system improvement. The Policies, Acts and Programmes envisage action plans to be prepared by each ministry to implement those components of the Policies, Acts and Programmes in coordination with others. With regard to monitoring, each ministry is expected to decide on targets, time schedules, action points, responsibilities and account on progress in the annual reports. All this calls for a high order of parallel harmonization among different government agencies (S.Irudaya Rajan and U.S Mishra-2011).

To assess the utility including feasibility it is necessary that the Policies, Acts and Programmes shall be implemented at least for 10 to 12 years. In absence of this period it will be difficult to identify the difficulty in the same. Government has to adopt suitable mechanism to create awareness in general public, regarding Act and shall be given wide publicity so that it could reach to the last person in the society (Dr. Prafull Babanrao Chavate -2015). However, this solution cannot be worked upon in separation by any one unit; there is the necessity of different stakeholders like Government, Insurers, Financiers, Health Care Providers and NGOs to come jointly and work together to achieve a total solution for safekeeping. There might be fundamental changes in Policies, Acts and Programmes and a central agency required ensuring implementation of the various schemes.

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