

AS INTRODUCED IN LOK SABHA

Bill No. 334 of 2019

**THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR
CITIZENS (AMENDMENT) BILL, 2019**

By

SHRI JAGDAMBIKA PAL, M.P.

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BILL

to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior
Citizens (Amendment) Act, 2019.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the official Gazette, appoint.

Insertion of new Chapter IIA. 2. After Chapter II of the Maintenance and Welfare of Senior Citizens Act, 2007, the following Chapter and sections thereunder shall be inserted, namely:— 56 of 2007.

"CHAPTER IIA

THE NATIONAL COMMISSION FOR SENIOR CITIZENS

Establishment of National Commission for Senior Citizens. 18A. (1) The Central Government shall, by notification in the Official Gazette, establish a National Commission for Senior Citizens, hereinafter referred to as the Commission, for carrying out the purposes of this Act. 5

(2) The Commission shall consists of,

(a) Chairperson;

(b) a Vice Chairperson;

(c) One representative each from the minority, the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of people; 10

(d) One women; and

(e) two senior citizens or persons working in the field of welfare of senior citizens, to be appointed by the Central Government in such manner as may be prescribed. 15

(3) The Commission shall have the power to regulate its own procedure.

(4) The Central Government shall appoint a Secretary and such other officers and staff as it may deem necessary to the Commission.

(5) The salary and allowances payable to and other terms and conditions of Chairperson, Vice Chairperson and other member, of the Commission shall be such as may be prescribed. 20

Function of the Commission. 18B. (1) The Commission shall—

(a) investigate and monitor all matters relating to the safeguards provided for the senior citizens under this Act or the Constitution or under any other law for the time being in force or under any order of the Central Government; 25

(b) evaluate the working of safeguards provided under this Act;

(c) inquire into specific complaints with respect to the deprivation of rights and safeguards of the senior citizens;

(d) participate and advise on the planning process of socio-economic development of the senior citizens and evaluate the progress of their development under the Central Government and State Governments; 30

(e) present to the Central Government annually and at such other times as the Commission may deem fit, reports upon the working of safeguards provided under this Act; 35

(f) make recommendations as to the measures that should be taken by the Central Government or the State Governments for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the senior citizens; and

(g) discharge such other functions in relation to the protection, welfare and development and advancement of the senior citizens as may be prescribed. 40

(2) The Central Government shall cause all such reports, as are presented to it under clause (e) of sub-section (1), to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations. 45

(3) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government concerned and the State Government shall cause such report to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed
5 to be taken on the recommendations relating to that State and the reasons for the non-acceptance, if any, of any of such recommendations.

18C. The Commission shall, while performing its functions under section 18B, have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

- 10 (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- 15 (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

18D. The Central Government and every State Government shall consult the Commission on all major policy matters affecting senior citizens.". Powers of Commission.

18E. (1) The Central Government shall by notification, constitute a Fund to be known 20 as the Senior Citizens Commission Fund for the purpose of administrative and expenses of the Commission . Central and State Governments to consult the Commission.

(2) There shall be credited to the Fund all the grants made by the Central Government, after due appropriation made by Parliament, by law in this behalf. Constitution of Senior Citizens Commission Fund.

STATEMENT OF OBJECTS AND REASONS

Senior Citizens in India constitute one hundred and four million population as per the 2011 census. Today Senior Citizens on a very large scale continue to live a life of misery, loneliness and exploitation. As a matter of fact, fifty-one million elderly in India live below the poverty line.

National Policy on older persons was announced by the Government of India in the year 1999. It was set up in the pursuance of UNGA. Regular 47/S to observe 1999 as the International year of Older Person. Also, the well being of the Senior Citizens is mandated under article 41 of the Constitution . The Planning Commission had also approved the proposal of the "Working Group on Social Welfare to formulate the Five year Plan." To establish a National Commission for Senior Citizens. However, since then no efforts have been made in this regard.

With a view to ensure the well-being of senior citizens, by strengthening their legitimate place in society and extending support for financial and food security, healthcare, shelter, equitable share in development, protection against abuse and exploitation and fulfillment of other needs, there is a necessity for setting up a National Commission for the Senior Citizens.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to establish a National Commission for Senior Citizens for the protection and welfare of senior citizens.

Hence this Bill.

NEW DELHI;
November 5, 2019.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for constitution of the National Commission for Senior Citizens. It also provides for appointment of a Chairperson, Vice Chairperson, other members, Secretary and other officers and staff of the Commission. It further provides for Constitution of a Senior Citizens Commission Fund for the administration of the Commission. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about rupees ten crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Central Government to appoint the Chairperson, Vice-Chairperson and three members of the National Commission for Senior Citizens in such manner as may be prescribed by rules made under this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(*Shri Jagdambika Pal, M.P.*)