

THE ELDER PERSONS (CARE AND PROTECTION) BILL, 2024

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I
PRELIMINARY

1. Short title and commencement.
2. Definitions.
3. Guiding Principles.

CHAPTER II
PROTECTION OF RIGHTS

4. Rights of Elder persons.
5. Role of the appropriate Government.

CHAPTER III
SOCIAL SECURITY, ECONOMIC SELF SUFFICIENCY, HOUSING AND AWARENESS

6. Social Security and Awareness.
7. Economic self-sufficiency.
8. Housing for Elder persons.
9. Awareness Programmes.

CHAPTER IV
ELDER PERSONS FUND

10. Elder Persons Fund.

CHAPTER V
EDUCATION

11. Education and re-skilling.

CHAPTER VI
RIGHTS OF CAREGIVERS

12. Rights of caregivers.

CHAPTER VII
NATIONAL COMMISSION FOR ELDER CARE

13. National Commission for Elder Care.
14. Selection Committee.
15. Term of office and conditions of service.

16. Resignation and Removal.
17. Vacancy.
18. Functions of the National Commission
19. Secretary to the National Commission
20. Meetings of the National Commission
21. Annual Report.

CHAPTER VIII
STATE COMMISSIONS FOR ELDER CARE

22. State Commission for Elder Care.
23. Term of Office and Conditions of Service.
24. Resignation and Removal.
25. Vacancy.
26. Functions of the State Commission.
27. Secretary to the State Commission.
28. Meetings of the State Commission.
29. Annual Report.

CHAPTER IX
OFFENCES AND PENALTIES

30. Offences and Penalties.

CHAPTER X
MISCELLANEOUS

31. Appropriate Government to provide funds.
32. Act to supplement other laws.
33. Immunity from prosecution.
34. Power to remove difficulties.
35. Power of appropriate Government to make rules.
36. Power of the National Commission, State Commissions and Selection Committees to make regulations.
37. Laying of rules and regulations.

Bill No. X of 2024

THE ELDER PERSONS (CARE AND PROTECTION) BILL, 2024

A

BILL

to provide for the protection of rights of elder persons to lead a life with dignity and financial autonomy, free from abuse, neglect and exploitation and provision of specialized care to them by framing a holistic national policy for their welfare, development and protection and those of their caregivers and establishing a National Commission and State Commissions for Elder Care at the National and State levels and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Elder Persons (Care and Protection) Act, 2024.

Short title and commencement.

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

2. In this Act, unless the context otherwise requires;

(a) 'abuse' includes the infliction of physical, emotional and psychological harm; deprivation of essential goods and services, or neglect of basic needs for a respectable life;

(b) 'appropriate Government' means; 5

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government; 41 of 2006.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government; 10

(iii) in relation to a Union Territory, the Union Territory Administration.

(c) 'barrier' means any factor including attitudinal, cultural, economic, institutional, political, religious, social or structural factors which hampers the full and effective participation, of an elder person in society; 15

(d) "caregiver" means a person or entity who has the responsibility to care for an elder person whether voluntarily or by any contract against receipt of payment or otherwise or by the formulation of any law of the appropriate Government and includes a family member or any person or entity employed with the full consent of the elder person, immediate family and/ or the appropriate government; 20

(e) 'disability' means long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders an elder person's full and effective participation in society equally with others; 25

(f) "discrimination" means any distinction, exclusion, restriction on the basis of ageing which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation; 30

(g) "elder care" means all activities undertaken by the caregiver, fiduciary, appropriate Governments or any person or entity for the welfare of elder persons including but not limited to nutritional, emotional, psychological, physical and financial welfare; 35

(h) "elder person" means a person who is sixty years of age or above;

(i) "exploitation" includes financial exploitation, and means the illegal, unauthorized and fraudulent use of the resources of an elder person by any person including but not limited to caregivers and fiduciaries for the person's benefit, whether monetary or otherwise and/or deprivation of the elder persons' rights and agency to access the resources to avail of basic needs; 40

(j) "fiduciary" means a person or entity entrusted with the legal responsibility to make decisions on behalf of the elder person with the full consent of the elder person, immediate family and/ or appropriate Government; 45

(k) "National Commission" means the National Commission for Elder Care constituted under section 13 of this Act;

(l) “prescribed” means prescribed by rules and/or regulations made under this Act;

(m) “State Commission” means the State Commission for Elder Care constituted under section 22 of this Act; and

5 (n) “the field” for the purposes of this Act refers to elder care as defined in section 2 of this Act;

3. The appropriate Government shall, subject to the provisions of this Act and any other law for the time being in force, take the following necessary steps to secure for elder persons:

Guiding Principles.

10 (a) respect for the inherent right to life, dignity, and individual autonomy;

(b) life free from abuse, neglect, and exploitation for elder persons;

15 (c) freedom from discrimination in all aspects of life, including, but not limited to, employment, access to education, accommodation, and other facilities;

(d) right to participate in education and training programs as well as social, economic, cultural, and political life;

(e) right to work; and

20 (f) right to just compensation and employment conditions suitable to their needs.

CHAPTER II

PROTECTION OF RIGHTS

4. The appropriate Government shall,-

25 (a) ensure protection of the right to equality and non-discrimination of elder persons - guaranteed under article 15 of the Constitution;

(b) take necessary steps for elder persons to enjoy the right to life with dignity enshrined under article 21 of the Constitution; and

(c) take steps to enable the basic welfare of elder persons including but not limited to their right to be respected.

Rights of Elder persons.

30 5. (1) The appropriate Government shall take all necessary measures to protect elder persons from abuse or exploitation at the hands of caregivers, family members, fiduciaries or any other person or entity.

Role of the appropriate Government.

35 (2) Any officer of the appropriate Government, who receives a complaint from a person or entity or finds out about any instance of elder abuse or exploitation shall be responsible for—

(i) identification and transfer of the case to authorities responsible for handling it;

(ii) the authority as mentioned in sub-clause (i) shall be responsible towards the elder person and/or their fiduciary for:

40 (a) informing them about their rights to protection and liberty;

(b) introducing them to any organisation, whether private or any appropriate Government organisation, working towards protection and/or rehabilitation of elder persons;

(c) acquainting them with the relevant juridical authorities with the appropriate mandate to hear their case;

(d) providing them opportunities to access legal services without barriers; and

(e) assisting them in filing a complaint as per provisions in the Indian legal system: 5

Provided that none of the responsibilities delineated in clause (ii) shall rid the authority of their obligation to proceed with law upon recognition of a cognizable offence.

CHAPTER III 10

SOCIAL SECURITY, ECONOMIC SELF SUFFICIENCY, HOUSING AND AWARENESS

Social security and awareness.

6. (1) The appropriate Government shall formulate and implement policy measures to ensure the enforcement of the guiding principles as per section 3 of the Act. 15

(2) The appropriate Government shall take the following necessary steps to ensure that elder persons have an adequate standard of living:

(i) identify, produce, procure and provide medicines and healthcare facilities specially required by elder persons;

(ii) ensure barrier free access for elder persons, wherever possible, to healthcare services; 20

(iii) provide basic amenities to elder persons who do not have access to the same; and

(iv) identify, rescue and rehabilitate elder persons who have been abandoned by their fiduciaries and/or are facing abuse and/ or exploitation. 25

Economic self-sufficiency.

7. (1) The appropriate Government shall facilitate economic self-sufficiency of elder persons and ensure their financial inclusion within society.

(2) In accordance with sub-section (1), the appropriate Government shall,-

(i) assist elder persons, especially those without any family or caregiver, to utilise banking facilities; 30

(ii) simplify the provision of information and access to health and insurance schemes to elder persons;

(iii) help elder persons to avail interest free loans for healthcare services; 35

(iv) inform elder persons about investment opportunities and asset management;

(v) monitor income from pensions and increase it wherever necessary in order to match the rising prices of goods and services; and 40

(vi) create an environment for elder persons to participate in remunerative economic activity and provide adequate funds for the same including incentivising employers to hire elder persons with experience in specialised fields.

Housing for Elder persons.

8. (1) **The appropriate Government shall take appropriate measures to provide residential facilities to elder persons who are abandoned and/or deprived of the same.** 45

(2) The housing facilities shall be modelled along elder-friendly construction guidelines with emphasis on developing elder communities for elder persons to live and participate in. 50

9. (1) The appropriate Government shall be responsible for designing programmes to spread awareness in the community about the hurdles faced by elder persons.

Awareness programmes.

5 (2) The awareness campaign shall include, but not be limited to, easily interpretable information on diseases prevalent in elder persons, sensitisation of the younger generation towards the needs of the elderly, rights of elder persons including the right to respect and life with dignity, economic opportunities for elder persons in society and promotion of the value of senior persons in social activities.

10 (3) **The Central Government shall establish and operate a National Helpline for provision of information and/or emergency assistance to elder persons and generate awareness about the same.**

15 (4) In accordance with sub-section (3), State Helplines and local emergency help centres shall be constituted to address the calls of elder persons and provide immediate assistance as and when required, according to such regulations as laid down by the State Commission.

CHAPTER IV

ELDER PERSONS FUND

20 10. (1) **The appropriate Government shall establish and maintain an Elder Persons Fund, in every district in the country, in such manner as may be prescribed, for the purposes of implementing the provisions of this Act.**

Elder Persons Fund.

25 (2) **The Elder Persons Fund shall be utilised for financing district level awareness programmes, organising community events for elder persons to participate in, provide loans to elder persons to engage in remunerative economic activity, providing financial assistance to avail of medical emergencies, assisting elder persons who cannot afford basic goods and services and/or for any other purpose deemed to be necessary by the appropriate Government in accordance with the objectives of this Act.**

30 (3) **The Fund shall be credited with,-**

35 (i) **such sums of money to be paid by the appropriate Government, from time to time, after due appropriation made by Parliament or the State Legislature, as the case may be, by law in this behalf, as may be necessary, to carry out the purposes of this Act.**

(ii) **voluntary contributions received from the citizens of the country, in such manner as may be prescribed.**

CHAPTER V

EDUCATION

40 11. (1) The appropriate Government shall take all necessary steps to provide for education and re-skilling opportunities for elder persons.

Education and re-skilling.

(2) Central or State funded Universities shall provide accessible opportunities for elder persons to pursue and complete education in any of the courses offered at the institution.

45 (3) The appropriate Government shall identify core skills to increase employability and design re-skilling programmes to increase employment opportunities amongst elder persons.

(4) The appropriate Government shall put in place adequate safeguards against discrimination in the hiring process of elder persons once trained in the re-skilling programmes.

CHAPTER VI
RIGHTS OF CAREGIVERS

Rights of
caregivers.

12. (1) The appropriate Government shall ensure that the rights of caregivers are preserved in the process of providing care to elder persons.
- (2) **The services of the national helpline and local emergency help centres, as mentioned in sub-sections (3) and (4) of section 9 shall be extended to caregivers to report instances of abuse or exploitation from the elder person, their friends and family and/ or any fiduciary thereof.**
- (3) The appropriate Government shall appoint specially trained staff in the National Helpline and at each local emergency help centre to sensitively handle the complaints of minor caregivers.
- (4) **The salaries and allowances payable to, qualification and experience required and terms and conditions of service of the staff to be appointed under sub-section (3) shall be such as may prescribed.**

CHAPTER VII 15

NATIONAL COMMISSION FOR ELDER CARE

National
Commission for
Elder Care.

13. (1) **The Central Government shall, with effect from the appointed day, by notification in the official Gazette, constitute a body henceforth referred to as the National Commission for Elder Care to exercise the powers conferred upon and to perform the functions as assigned to it, under this Act.**
- (2) The National Commission shall consist of the following members, namely:
- (a) an eminent figure with reputable service in the field of elder person caregiving and welfare — Chairperson; 25
 - (b) a distinguished individual with recognised service in the field of medicine and healthcare — Vice-Chairperson;
 - (c) five representatives from the following categories, to be nominated by the Central Government in such manner as may be prescribed - 30
 - (i) Senior Citizen’s Association;
 - (ii) Pensioner’s Association;
 - (iii) Non – Governmental Organisation working for Senior Citizens;
 - (iv) Senior member from the transgender community;
 - (v) Senior member from the community of persons with disability: 35
- Provided that fifty per cent. of the nominees under sub clauses (a) to (c) shall be women.
- (3) In the event of vacancy or incapacity of the Chairperson of the National Commission and until such time that a new Chairperson is appointed, the Vice-Chairperson shall act as the interim Chairperson. 40

Selection
Committee.

14. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—
- (a) the Prime Minister— Chairperson;
 - (b) the Speaker of the House of the People— Member;
 - (c) the Deputy Chairman of the Council of States – Member; 45
 - (d) the Leader of the Opposition in the House of the People— Member;
 - (e) the Leader of the Opposition in the Council of States – Member, and
 - (f) the Chief Justice of India, or any other Justice of the Supreme Court nominated by the Chief Justice on his behalf - Member.

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the National Commission and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least seven persons of standing and having special knowledge and expertise in the matters relating to elder care, disability rights, healthcare, policy making, psychology, law and management or in any other matter which, in the opinion of the Selection Committee may be useful in making the selection of the Chairperson and Members of the National Commission:

Provided that not less than fifty per cent. of the members of the Search Committee shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(4) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the National Commission.

(5) The term of office of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection and preparation of the panel of names shall be such as may be prescribed.

15. (1) The members of the National Commission shall hold office for a term of four years from the date on which they enter upon their office.

Term of office and conditions of service.

(2) The members shall be eligible for a one-year extension of their term subject to the recommendations of the Selection Committee.

(3) The salaries and allowances payable to and other terms and conditions of service of the members of the National Commission shall be such as may be prescribed.

16. (1) Any Member of the National Commission may, by notice in writing addressed to the President, resign from their office.

Resignation and Removal.

(2) Subject to the provisions of sub-section (1), any Member of the National Commission shall - be removed from their office only by an order of the President on the grounds of proven misbehaviour or incapacity after thorough inquiry *via* due procedure.

(3) Notwithstanding anything contained in sub-section (2), the President may, by order, remove from office any member of the National Commission, as the case may be, if the member:—

(a) is adjudged an insolvent; or

(b) engages in employment during their tenure that adversely affects the Commission and/ or its functioning; or

(c) is convicted and sentenced to imprisonment for any offence.

17. (1) In the event of any vacancy in the office of the Chairperson or Vice-Chairperson due to any reason, the President may, by notification, authorise any two members to take up their responsibilities until appointment is made to fill such vacancy(ies).

Vacancy.

(2) If the Chairperson and Vice-Chairperson are unable to discharge their functions, the President may, by notification, authorise any two members to discharge their functions until resumption of duties by the incumbents.

18. The Commission shall perform all or any of the following functions, namely:—

Functions of the National Commission.

(a) identify, *suo-moto*, or on a representation received, provisions of any laws, policies, programmes and procedures, which are

inconsistent with this Act, and recommend necessary corrective steps;

- (b) monitor developments in fields relating to elder persons including but not limited to medicine, healthcare and economic opportunities;
- (c) undertake research and collect, maintain and furnish information and data pertaining to various aspects of the lives of elder persons including but not limited to information about effectiveness of insurance and pension schemes, cost of living across the country for elder persons, violations of rights of elder persons, etc.;
- (d) inquire, *suo-moto* or on a complaint received from any person regarding any violation of rights of elder persons for which the Central Government is the appropriate Government and pursue the matter *via* due procedure;
- (e) periodically review the provisions of this Act *vis-à-vis* international developments and make recommendations for updating them as and when necessary to accommodate developments in the field;
- (f) regularly liaison with stakeholders including individuals and/ or organisations working in the field of elder rights and elder care to understand the evolving nature of the field;
- (g) monitor disbursement of funds for and implementation of the provisions of this Act including awareness campaigns and national and state helplines and other such programmes intended for the benefit of elder persons;
- (h) recommend to the concerned authorities including Departments of the Central Government to undertake any such policy or programme that may be beneficial for elder persons as deemed by the Commission:

Provided that the authorities must respond within a period of two months from the date of receipt of the recommendation regarding acceptance of the said recommendation or rejection with reasons, as the case may be; and
- (i) monitor, make recommendations to and review the work of the State Commissions as established under section 22 of this Act.

Secretary to the National Commission.

19. (1) The Central Government shall make available to the National Commission an officer of the rank of an Additional Secretary to the Government of India, who shall be the Secretary to the National Commission.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other administrative and technical officers and staff, as it may consider necessary, to assist it in the discharge of its duties and functions.

(3) The salaries and allowances payable to and other terms and conditions of service of the officers and staff appointed under subsection (2), shall be such as may be prescribed.

Meetings of the National Commission.

20. (1) The National Commission shall meet at such time and place as the Chairperson may think fit.

(2) Subject to the provisions of this Act and the rules made thereunder, the National Commission shall have the power to lay down regulations establishing its own procedure.

(3) All orders and decisions of the National Commission shall be authenticated by the Secretary or any other officer thereof duly authorised by the Chairperson in this behalf.

Annual report.

21. (1) The National Commission shall prepare in such form and at such time each calendar year, - an annual report giving a full account of its activities

during the previous year and submit the report to the Central Government and in addition, may submit special reports on any matter of urgent importance, in such manner as may be prescribed.

5 (2) The Central Government shall cause the annual and special reports of the National Commission to be laid before each House of Parliament, along with a memorandum of the action taken or proposed to be taken on the recommendations of the Commission, and the reasons for non-acceptance of the recommendations, if any.

CHAPTER VIII

10 STATE COMMISSIONS FOR ELDER CARE

22. (1) **Every State Government shall with effect from the appointed day, by notification in the official Gazette, constitute a State Commission for Elder Care, to exercise the powers conferred upon and to perform the functions as assigned to it under this section.**

State
Commission for
Elder Care.

15 (2) The State Commission shall consist of —

(a) an eminent figure with reputable service in the field of elder person caregiving and welfare — Chairperson;

(b) a distinguished individual with recognised service in the field of medicine and healthcare — Vice-Chairperson;

20 (c) five representatives from the following categories, to be nominated by the State Government in such manner as may be prescribed -

(i) Senior Citizen's Association;

(ii) Pensioner's Association;

25 (iii) Non – Governmental Organisation working for Senior Citizens;

(iv) Senior member from the transgender community; and

(v) Senior member from the community of persons with disability:

30 (3) In the event of vacancy or incapacity of the Chairperson of the State Commission, until such time that a new Chairperson is appointed, the Vice-Chairperson shall act as the interim Chairperson.

(4) Appointments to all positions shall be made by the respective State Government on the recommendation of a Selection Committee, as may be prescribed by the State Legislature of each State, within six months of the date of commencement of this Act.

35 23. (1) The members of the State Commission shall hold office for a term of four years from the date on which they enter upon their office.

Term of office
and conditions
of service.

(2) The Members shall be eligible for a one year extension of their term subject to recommendations of the Selection Committee.

40 (3) **The salaries and allowances payable to and other terms and conditions of service of the members of the State Commission shall be such as may be prescribed.**

24. (1) Any Member of the State Commission may, by notice in writing addressed to the Governor of that State, resign from their office.

Resignation and
removal.

45 (2) Subject to the provisions of sub-section (1), any Member of the State Commission shall be removed from their office only by an order of the Governor on the grounds of proven misbehaviour or incapacity after thorough inquiry *via* due procedure;

	(3) Notwithstanding anything contained in sub-section (2), the Governor may, by order, remove from office any member of the State Commission, as the case may be, if the member:—	
	(a) is adjudged an insolvent; or	
	(b) engages in employment during their tenure that adversely affects the Commission and/ or its functioning; or	5
	(c) is convicted and sentenced to imprisonment for any offence.	
Vacancy.	25. (1) In the event of any vacancy in the office of the Chairperson or Vice-Chairperson of the State Commission due to any reason, the Governor of that State may, by notification, authorise any two members to take up their responsibilities until appointment is made to fill such vacancy(ies).	10
	(2) If the Chairperson and Vice-Chairperson are unable to discharge their functions, the Governor may, by notification, authorise any two members to discharge their functions until resumption of duties by the incumbents.	
Functions of the State Commission.	26. (1) The State Commission shall perform such functions as assigned to the National Commission under section 18 of this Act, except for clauses (h) and (i), while construing all references therein to the Central Government as pertaining to the respective State Governments.	15
	(2) The State Commissions shall be responsible for establishing and operating State emergency helplines and local help centres for elder persons as laid down under this Act.	20
	(3) The State Commission shall consult with and report to the National Commission <i>suo-moto</i> or on the request of the National Commission on matters pertaining to the field of elder care.	
Secretary to the Commission.	27. (1) The State Government shall make available to the State Commission, an officer of the rank of Secretary to the State Government of India, who shall be the Secretary to the State Commission.	25
	(2) Subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative and technical officers and staff, as it may consider necessary, to assist it in the discharge of its duties and functions.	30
	(3) The salaries and allowances payable to and other terms and conditions of service of the officers and staff appointed under sub-section (2), shall be such as may be prescribed.	
Meetings of the State Commission.	28. (1) The State Commission shall meet at such time and place as the Chairperson may think fit.	35
	(2) Subject to the provisions of this Act and the rules made thereunder, the State Commission shall have the power to lay down regulations establishing its own procedure.	
	(3) All orders and decisions of the State Commission shall be authenticated by the Secretary or any other officer of the State Commission duly authorised by the Chairperson in this behalf.	40
Annual report.	29. (1) The State Commission shall prepare in such form and at such time each calendar year, - an annual report giving a full account of its activities during the previous year and submit the report to the respective State Government and in addition, may submit special reports on any matter of urgent importance, in such manner as may be prescribed.	45
	(2) The respective State Government shall cause the annual and special reports of the State Commission to be laid before one or more houses of the State Legislature, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission, and the reasons for non-acceptance of the recommendations, if any.	50

CHAPTER IX
OFFENCES AND PENALTIES

- 5 **30.** (1) Whoever knowingly obstructs the implementation of the provisions laid down in this Act or aids and abets or incites said obstruction or restricts the scope of the provisions or performs any activity deemed to be an offence against elder persons under this Act or any other law shall be liable to be punished with a prison sentence of not less than six months extendable to two years and/ or a fine of not less than rupees twenty thousand extendable to rupees two lakh.
- 10 (2) Where any offence as described in sub-section (1) has been committed by an establishment, every person who, at the time the offence was committed, was the appointed head or was directly in charge of, and was responsible to the establishment for the conduct of its business, as well as the establishment, shall be deemed to be guilty of the offence, and shall be
- 15 liable to be proceeded against and punished accordingly:
- 20 Provided that nothing contained in sub-sections (1) and (2) shall render any such person liable to any punishment as highlighted in sub-section (1) if they prove that the offence was committed without their knowledge or that all due diligence was exercised to prevent the commission of such offence.

CHAPTER X
MISCELLANEOUS

- 25 **31. The appropriate Government shall, after due appropriation made by Parliament and the State Legislature, as the case may be, by law, provide adequate funds, for carrying out the purposes of this Act.**
- 30 **32.** The provisions of this Act or the rules made there under shall be in addition to and not in derogation of any other legislation, rules, orders or instructions made with respect to elder persons.
- 35 **33.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rule made thereunder.
- 40 **34.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions consistent with the Act for removing the difficulty:
- 45 Provided that no such order shall be made after the expiry of the period of a year from the date of commencement of this Act;
- (2) Every order made under this section shall be laid before both the Houses of Parliament when in session and in the first week of the session immediately preceding the date of the order when not in session.
- 50 **35.** (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act subject to its provisions after consultation with relevant stakeholders as identified by them.
- 55 **36.** The National Commission, State Commissions and the Selection Committees constituted under this Act may, by notification in the Official Gazette, make regulations, consistent with the provisions of this Act and the rules made thereunder, to implement the provisions of this Act.

37. (1) Every rule made by the Central Government and every regulation made by the National Commission and the Selection Committee under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation, as the case may be. 5 10
- (2) Every rule made by the State Government and every regulation made by the State Commission under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House. 15

STATEMENT OF OBJECTS AND REASONS

There has been a significant shift in demographic patterns across the world in the 21st Century with people leading far longer lives than the previous generation. In India, the population share of persons aged over 60 has been increasing at an increasing rate over the last few years and is expected to do so in the coming decades as well. With the increased life expectancy, empirical studies show that the youthful demographic bulge, considered a demographic dividend, would transform into a gerontological bulge as the population of persons above the age of 60 years and 80 years will increase by 326 per cent. and 700 per cent. respectively by the year 2050. Besides, the fast changing social matrix is increasingly impacting adversely the care, dignity and independence of the elders.

On the global front, the situation of older persons was highlighted for the first time at the World Assembly on Ageing in 1982 in Vienna wherein International Plan of Action on Ageing was adopted. It served as an international blue print for development of policies and programmes on ageing. Later, the United Nations Principles for Older persons were adopted by General Assembly Resolution 46-91 of 16th December, 1991. With the adoption of the Madrid International Plan of Action on Ageing in 2002 during the second world assembly on ageing, consistent efforts are being made to build a society for all ages.

The well-being of older persons was enshrined in the Constitution of India much before it was raised in the international forum. Article 41 of the Constitution enjoins that “The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want.”

However, the focus on caring for the elderly has been inadequate with little attention given to creating environments for the development of elderly people. With their children migrating to metropolitan cities seeking jobs, parents are often left without company and support in their old age. India lacks dedicated government departments dealing with the various facets of ageing including providing accessible healthcare services, redressal systems and financial opportunities. Furthermore, old age is seen as a burden in many households with senior members being cast out of their homes or left in institutions for the elderly away from their family.

Accordingly, this Bill seeks to rewrite the narrative surrounding ageing in Indian society by proposing the development of a positive outlook on ageing. It facilitates protection and preservation of the rights of elderly citizens of the country and provides for the sensitization of the population at large about the challenges faced by the elders in our community. Economic opportunities for senior citizens are also stressed upon as financial security is crucial in old age with increasing costs of medical expenditure. The formation of national and state level Commissions for the elderly allows for streamlining provision of services, addressing complaints and improving the standard of living for elderly citizens. Rights of caregivers working for the elderly are also incorporated within the Bill. The superlative societal value of our senior citizens cannot be ignored as we take strides towards becoming a global superpower in the coming years.

Hence this Bill.

DEREK O'BRIEN

FINANCIAL MEMORANDUM

Clause 6 of the Bill enjoins upon the appropriate Government to take necessary steps to ensure that elder persons have an adequate standard of living. Clauses (v) and (vi) of sub-section (2) of Clause 7 of the Bill provides that the appropriate Government shall ensure financial security of elder persons and sub-section (1) of Clause 8 provides that the appropriate Government shall take necessary measures to provide them with residential facilities. Clause 9 of the Bill provides for setting up of a National Helpline, State Helplines and local emergency help centres for providing assistance to the elder persons. Clause 10 provides for setting up of a Elder Persons Fund. Clause 12 provides for the salary and allowances of the staff appointed at the local emergency help centers. Clause 13 provides for the setting up of a National Commission for Elder Care and Clause 15 provides for the salaries and allowances to be paid to the members thereof. Clause 19 provides for the salaries and allowances for the administrative and technical staff of the National Commission. Clause 22 provides for the setting up of State Commissions for Elder Care and Clause 23 provides for the salaries and allowances to be paid to the members thereof. Clause 27 provides for the salaries and allowances of the administrative and technical staff of the State Commissions. Clause 31 makes it obligatory for the appropriate Government to provide requisite funds to carry out the provisions of the Bill.

The Bill, if enacted, will involve expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. However, it is not possible at present to estimate the actual expenditure that is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 34 of the Bill empowers the Central Government to make provisions through an order to remove any difficulties likely to arise in giving effect to the provisions of the Bill, if enacted. Clause 35 empowers the appropriate Government to frame rules to carry out the provisions of the Bill. Clause 36 empowers the National Commission, State Commissions and Selection Committees to make regulations, consistent with the provisions of this Bill and the rules made thereunder, to carry out the provisions of this Bill. As the rules, regulations and order(s) will relate to matters of details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

A

BILL

to provide for the protection of rights of elder persons to lead a life with dignity and financial autonomy, free from abuse, neglect and exploitation and provision of specialized care to them by framing a holistic national policy for their welfare, development and protection and those of their caregivers and establishing a National Commission and State Commissions for Elder Care at the National and State levels and for matters connected therewith and incidental thereto.

(Shri Derek O'Brien, M.P.)