

Bill No. XXXI of 2024

THE RIGHT TO OLD AGE CARE BILL, 2024

**A
BILL**

*to provide for the right to old age care to all senior citizens in the country
and for matters connected therewith or incidental thereto.*

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

1.

(1) This Act may be called the Right to Old Age Care Act, 2024.
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(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)

"appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

Short title and
commencement.

Definitions.

- (b) "local authority" means a Municipal Corporation or Municipal Council of Zila Parishad or Nagar Panchayat, by whatever name called, and includes such other authority or body having administrative control or empowered by, or under any law for the time being in force to function as a local authority in any city, town or village; 5
- (c) "old age care" means proper nutritious food, healthcare including medicines, leisure and ensuring proper mental and physical wellbeing and welfare of the senior citizen;
- (d) "prescribed" means prescribed by rules under this Act; and 10
- (e) "senior citizen" means any citizen living within the territory of India above the age of sixty-five years.

Right to old age care.

3. **(1) Every senior citizen shall have the right to old age care.**
- (2) No senior citizen shall be denied old age care on account of their lack of income or other circumstances.** 15

Special provisions for differently-abled senior citizens.

4. **The appropriate Government shall while ensuring universal access to old age care to all senior citizens, take special measures to address the special needs of and provide special facilities to the differently-abled senior citizens.**

Universal access to old age care.

5. The access to old age care should be designed in such a way that no senior citizen is left out of the ambit of its benefit due to income inequality, social inequity or information asymmetry. 20

Sharing of financial responsibility

6. **(1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.** 25
- (2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.**
- (3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.** 30

Duties of appropriate Government or local authority.

7. **It shall be the duty of the appropriate Government or local authority, as the case may be, to—**
- (a) ensure free old age care to every senior citizen;**
- (b) ensure that no senior citizen is discriminated against and/or prevented from accessing old age care;** 35
- (c) notify or establish, where it is not so established, a well-equipped old age care centre, within such area or limits of neighbourhood, as may be prescribed; and**
- (d) provide necessary infrastructure for the old age care centres including building, equipments and well-trained staff.** 40

8. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

Power to make rules.

5 (2) Every rule made by the Central Government under this section 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any 10 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15 (3) Every rule made by the State Government under this section 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.

STATEMENT OF OBJECTS AND REASONS

India has the one of youngest population as of now. But the number of old age people are increasing each year with the lowering of birth rate and death rate. Increased life expectancy of the citizens will translate into a more aged population. Further, with an increase in the proportion of the younger generation migrating to other cities or countries in search of livelihood and career avenues, aged parents and relatives are often left isolated in their home towns with no one to take care of them in their old age and sickness.

Necessary steps need to be taken urgently to see that the problem is addressed properly. Senior citizens need help in terms of old age care and resources and information.

The Central Government shall take it up as its statutory responsibility backed by sound legislation to ensure right to old age care to all senior citizens of India.

The Bill seeks to achieve this objective.

V. SIVADASAN

FINANCIAL MEMORANDUM

Sub-clause (2) of Clause 3 of the Bill provides that no senior citizen shall be denied old age care on account of their lack of income or other circumstances. Clause 4 provides that the appropriate Government shall take special measures to address the special needs of and provide special facilities to the differently-abled senior citizens.

Clause 6 provides that the Central Government shall have the primary responsibility for providing funds for the purpose of implementation of the Act and shall provide funds to the State Governments, to meet such percentage of expenditure, as may be prescribed, as grants-in-aid of revenues, to enable them to carry out the purposes of this Bill.

Clause 7 provides that it shall be the duty of the appropriate Government or the local authority, as the case may be, to notify or establish, a well-equipped old age care centre, within such area or limits of neighbourhood, as may be prescribed and also provide infrastructure including building, equipments and well-trained staff.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Dr. V. Sivadasan, M.P.)