

Bill No. LVII of 2019

THE NATIONAL COMMISSION FOR SENIOR CITIZENS BILL, 2019

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BILL

to provide for the establishment of a National Commission for Senior Citizens to improve the conditions of Senior Citizens and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Commission for Senior Citizens Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions

(a) "Appropriate Government" means in the case of a State, the Government of the State and in all other cases, the Central Government;

(b) "Commission" means the National Commission for Senior Citizens established
10 under section 3;

(c) "Member" means a Member of the Commission;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "senior citizens" means any individual being a citizen of India, who has attained the age of sixty years or above.

Establishment
of a National
Commission
for Senior
Citizens.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Commission for Senior Citizens to exercise the powers conferred on and to perform the functions assigned to it, under this Act. 5

(2) The Commission shall consist of—

(a) a Chairperson;

(b) a Deputy Chairperson; and

(c) three members, with at least one member being a women and one member belonging to the Scheduled Castes or Scheduled Tribes, to be appointed by the Central Government from amongst the persons of ability, integrity and standing who has at least fifteen years of professional work experience committed to the cause of senior citizens rights, law and rehabilitation. 10

(3) The Central Government may appoint such number of officers and staff including experts to the Commission as may be required for its efficient functioning. 15

(4) The salary and allowances payable to, other terms and conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.

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

Duty of the
Commission.

4. (1) It shall be the duty of the National Commission to take such steps, as it may deem appropriate, for the welfare of the development of Senior Citizens. 20

(2) Without prejudice to the generality of the foregoing provision, the Commission shall ensure the following provisions for the benefit and welfare of senior citizen namely to:—

Specified by President

(a) negotiate all cases related to the safeguards provided to senior citizens and carry out the monitoring and improvement of such safeguards; 25

(b) investigate complaints of the senior citizens related to deprivation of their rights and safeguards;

(c) participate in the planning process of socio-economic development of senior citizens; 30

(d) advice the appropriate Government to enhance pace of development of senior citizens under its jurisdiction;

(e) undertake non-partisan research or call for special studies and investigation into reasons for and problems arising out of, exclusion of senior citizens from social security schemes; 35

(f) submit reports to the Central Government regarding the workig of safeguards for senior citizens on an annual basis or at such intervals as it think fit including measures for protencion, welfare and social development of senior citizens; and

(g) undertake all other functions for the protection, welfare and development of senior citizens, as may be presented. 40

Laying of
reports.

5. (1) The Central Government shall cause to be laid before each House of Parliament all reports submitted to it under clause (f) of sub-section (2) of section 4 along with a memorandum explainig the reasons for not accepting any of the recommendations made thereto.

(2) Where the report, or any of its part is related to any of the issue connected with the Sate Government a copy of such report shall be forwarded to the Governor of that State, 45

who shall, along with an explanatory memorandum explaining action taken or proposed to be taken on the recommendations related to the State, if any and reasons for not accepting any of the recommendations, cause to be laid such report before the State Legislature.

5 **6.** The Commission shall, while investigating any matter referred to in clause (b) of sub-section (2) of section, 4, have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

Commission to have the power to a civil court.

(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;

10 (c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing summons for the examination of witnesses and documents; and

(f) any other matter as may be prescribed.

15 **7.** The appropriate Government shall consult the Commission on all policies affecting interests of the senior citizens.

Consultation with the Commission.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Commission for carrying out the purposes of this Act.

Central Government to provides funds.

20 **9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

Power to make rules.

(2) Every rule made 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 the 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 such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

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STATEMENT OF OBJECTS AND REASONS

The life expectancy at birth in India has been witnessing a general rise over the past few decades. With the present life expectancy being 66.4 years for male and 69.6 years for females and if the trend continues it is supposed to reach above 70 years for both males and females soon. With changing pattern of family settings, increasing privatization of healthcare and changing patterns of morbidity, providing social security to the elderly needs to become a State priority.

Article 41 of the Constitution also mandates for the well-being of senior citizens. It *inter alia* states that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age. International efforts are being continuously made to increase commitments towards the senior citizens.

The National Policy on Senior Citizens 2011 tries to address the growing challenges of the elderly population of India and calls for the establishment of National Commission for Senior Citizens at the Centre and State Commissions at the State level under an Act of Parliament. This Bill aims to achieve the above mentioned objectives.

KUMARI SELJA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the National Commission for Senior Citizens. Clause 4 of the Bill requires the Commission to carry out certain activities to promote the welfare and ensure the well being of senior citizens of the country. Clause 8 provides for adequate funding of the Commission by the Central Government.

Thus, the Bill, if enacted will involve expenditure from the Consolidated Fund of India of an annual recurring expenditure of the estimated amount of rupees fifty crore and a non-recurring expenditure of about rupees ten crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this 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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(Kumari Selja, M.P.)