

Bill No. XVIII of 2009

THE DESTITUTE AND NEEDY SENIOR CITIZENS
(CARE, PROTECTION AND WELFARE) BILL, 2009

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BILL

to provide for proper care of senior citizens who are destitute by their kith and kins and the Government and for protection of lonely or old couples by way of appropriate security measures by local police, and for other welfare measures and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Destitute and Needy Senior Citizens (Care, Protection and Welfare) Act, 2009.

Short title
extent and
commence-
ment.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

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

Definitions.

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

10 (b) "destitute senior citizen" means an old person who has become infirm due to old age or chronic ailment and who has no independent and adequate means of livelihood for his subsistence;

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

(d) "senior citizen" means any person who has completed sixty years of age.

Duty of kith and kins of senior citizen.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the kith and kins of senior citizen to take care and support such citizen in his old age. 5

(2) The kith and kins of a senior citizen who fail to comply with the provisions contained in sub-section (1) shall forfeit their right to succeed the senior citizen in any manner after the death of such a senior citizen.

Explanation—For the purposes of sub-sections (1) and (2) the kith and kins include sons, daughters and other heirs and successors of the senior citizens. 10

Subsistence allowance to destitute senior citizens.

4. (1) Every destitute senior citizen shall, on an application made in the prescribed form to the appropriate Government be paid rupees one thousand per mensem as subsistence allowance by such Government in whose jurisdiction such senior citizen permanently resides. 15

(2) The subsistence allowance referred to in sub-section (1) shall be subject to alteration on the basis of the prevailing price index as may be determined by the Central Government.

(3) The procedure to be followed in granting and payment of subsistence allowance under this Act shall be such as may be prescribed. 20

Establishment of Senior Citizen Homes.

5. (1) The appropriate Government shall establish such number of Senior Citizen Homes at conspicuous places, as it may deem necessary for board and lodging of needy senior citizens in such Homes.

(2) The appropriate Government shall provide all necessary facilities of daily life in each Senior Citizen Home for the benefit of senior citizens residing therein. 25

(3) The appropriate Government shall also provide free medical aid and means of entertainment to the inhabitants of the Homes established under sub-section (1).

(4) The senior citizens lodged in Senior Citizen Homes shall not be entitled to subsistence allowance referred to in section 4 of this Act.

Protection of senior citizens by local police.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the local police of every district headquarter shall keep a record of senior citizens residing within its jurisdiction in such manner as may be prescribed. 30

(2) It shall be the duty of the area Station House Officer of the local police to,—

(a) verify the character and antecedents of the domestic servant or any domestic help engaged by any senior citizen or lonely old couple residing within his jurisdiction in such manner as may be prescribed; and 35

(b) provide adequate security to every lonely senior citizen or lonely old couple residing within his jurisdiction.

Other Welfare measures to be taken for Senior Citizens.

7. The Appropriate Government shall also undertake the following welfare measures for the senior citizens, namely:— 40

(a) to provide financial assistance at nil or least minimal interest to attain financial freedom;

(b) to provide free medical and health care facilities;

(c) concessional travel by road, rail and air; and

(d) such other measures as may be prescribed. 45

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

Central Government to provide funds for the purposes of the Act.

5 **9.** The provisions for this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith, contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to senior citizens.

Overriding effect of the Act.

10 **10.** 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 such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

With inflation and western influence in our country senior citizens are being neglected. This is against our Indian culture and philosophy. We, as responsible citizens cannot keep quiet. With the increase in life expectancy, the number of senior citizens is increasing regularly. However, in many cities in the country thousands of old citizens living alone have been target of criminals and many have lost their lives due to peoples' greed. It is our duty to provide them with security both personal and financial for their welfare.

These are the people who have contributed everything for the family, the society and the country. It is inhuman and immoral to neglect our senior citizens. They must be provided complete financial security including 'Roti, Kapra and Makaan'. Not only this they should be provided with mental and psychological support.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 4 (1) provides that appropriate Government shall give subsistence allowance to every destitute senior citizen. Sub-clauses (1), (2) and (3) of clause 5 provide for the establishment of senior citizen homes and other facilities for the benefit of the destitute senior citizens residing in it. Clause 7 also provides for the other welfare measures to be taken for senior citizen by the appropriate Government. Provisions of clause 8 is related with the appropriation made by Parliament in this behalf to provide adequate funds for the purpose of the Act.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about one thousand five hundred crore is likely to be involved from the consolidated Fund of India. A non-recurring expenditure of about one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the matters will relate to detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Shri Santosh Bagrodia, M.P.)