

THE ELDER PERSONS (CARE AND PROTECTION) BILL, 2019

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**Bill No. LXII of 2019**

**THE ELDER PERSONS (CARE AND PROTECTION)  
BILL, 2019**

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**BILL**

*to facilitate the development of a holistic national policy to ensure preservation of rights and provision of specialised care to senior citizens for their welfare and development to be undertaken by the State and for matters connected therewith and incidental thereto.*

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

**CHAPTER I**

**PRELIMINARY**

**1.** (1) This Act may be called the Elder Persons (Care and Protection) Act, 2019.

Short title,  
extent and  
commencement.

5 (2) It extends to the whole of India.

(3) 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;

Definitions.

10 (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;

(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. 5

(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; 10

(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 members or any person or entity employed with the full consent of the elder person, immediate family and/or the appropriate Government; 15

(e) "Constitution" means the Constitution of India;

(f) '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;

(g) '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; 20

(h) "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; 25

(i) "exploitation", including financial exploitation, 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' right and agency to access the resources to avail of basic needs; 30

(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 or appropriate Government; 35

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

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

(m) "State Commission" means the State Commission for Elder Care constituted under section 22 of this Act. 40

Guiding Principles.

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

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

(b) life free from abuse, neglect, and exploitation for elder persons; 45

(c) freedom from discrimination in all aspects of life, including, but not limited to, employment, access to education, accommodations, 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

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

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## CHAPTER II

### PROTECTION OF RIGHTS

**4.** The appropriate Government shall,—

Rights of the  
Elder persons.

(i) ensure protection of the right to equality and non-discrimination for elder persons as per Article 15 of the Constitution;

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

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

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**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;

Protection  
against abuse  
or  
exploitation.

(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—

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

(ii) the authority in sub-clause (i) sub-section (2) shall be responsible towards the elder person and/or their fiduciary for—

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

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(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,

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(d) provision them opportunities to access legal services without barriers,

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

Provided that none of the responsibilities in clause (ii) of sub-section (2) shall exempt the authority of their obligation to proceed with law upon recognition of a cognizable offence.

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## CHAPTER III

### SOCIAL SECURITY, ECONOMIC SELF SUFFICIENCY, HOUSING AND AWARENESS

**6. (1)** The appropriate Government shall formulate and implement policy measures to ensure the enforcement of the objectives of this Act as described in section 3;

Social Security  
and  
Awareness.

(2) The appropriate Government shall take necessary steps to ensure that elder persons have an adequate standard of living and to that effect, shall take steps to,—

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(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;

(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 or are facing abuse or exploitation.

Economic  
Self-  
sufficiency.

**7. (1)** The appropriate Government shall facilitate economic self-sufficiency among elder persons and ensure their financial inclusion within society; 5

(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,

(ii) simplify the provision of information and access to health and insurance schemes to elder persons, 10

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

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

(v) monitor income from pensions and advice measures to increase it wherever necessary, in order to match the rising prices of goods and services, 15

(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  
the elder  
persons.

**8. (1)** The appropriate Government shall take measures to provide residential facilities to elder persons who are abandoned or deprived of the same; 20

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

Public  
Awareness.

**9. (1)** The appropriate Government shall be responsible for designing programmers to spread awareness in the community about the hurdles faced by elder persons; 25

(2) The awareness campaign shall include but not the limited to easily interpretable information on diseases prevalent in elder persons, sensitisation of the younger generation towards the needs of the elderly, rights of folder persons including the right to respect and life with dignity, economic opportunities for elder persons in society and promotion of the value of elder persons in social activities; 30

(3) The appropriate Government shall also establish and operate a National helpline for provision of information or emergency assistance to elder persons and generate awareness about the same;

(4) In accordance with sub-section (3), local emergency help centres shall be constituted to address the calls of elder persons and provide immediate assistance as and when required according to rules laid down by the State Commission. 35

## CHAPTER IV

### ELDER PERSONS FUND

Elder Persons  
Fund.

**10. (1)** The appropriate Government of each district shall establish and maintain a Elder Persons Fund with financial assistance from the Central and State Government and voluntary contributions from citizens; 40

(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 or for any other purpose deemed to be necessary by the appropriate Government in accordance with the objective of this Act. 45

CHAPTER V  
EDUCATION

**11.** (1) The appropriate Government shall take all necessary steps to provide for education and reskilling opportunities for elder persons; Education.

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

(3) The appropriate Government shall identify core skills to increase employability and design reskilling programmes to increase employment among elder persons; and

10 (4) There shall be adequate safeguards against discrimination in the hiring process of elder persons once trained in the skilling programme.

CHAPTER VI  
RIGHTS OF CAREGIVERS

15 **12.** (1) The appropriate Government shall ensure that the rights of caregivers are preserved in the process of providing care to elder persons; Rights of caregivers.

(2) The National helpline and local help centre services 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 or any fiduciary of the same;

20 (3) There shall be specially trained staff at each local emergency help centre to sensitively handle the complaints of minor caregivers;

(4) The salaries for the staff and rules for appointment of staff under the sub-section (3) shall be decided by the appropriate Government.

CHAPTER VII  
NATIONAL AND STATE COMMISSIONS

25 **13.** (1) The Central Government shall, by notification, constitute a body to be called the National Commission for Elder Care to exercise the powers conferred upon and to perform the functions assigned to it, under this Act; National Commission for Elder Care and Selection Committee.

(2) The National Commission shall consist of the following members, namely,—

30 (a) a Chairperson, who is an eminent person with reputable service in the field of elder person caregiving and welfare;

(b) a Vice-Chairperson, who is distinguished individual with recognised service in the field of medicine and healthcare and shall be the interim Chairperson in the event of vacancy or incapacity of the Chairperson of the National Commission until such time that a new Chairperson is appointed to the position;

35 (c) five representatives from the following categories—

(i) Senior Citizen's Association;

(ii) Pensioner's Association;

(iii) Non-Government Organisation working for elder persons;

(iv) Elder person from the transgender community;

40 (v) Elder person from the community of persons with disability.

(3) Fifty percent of the nominees under sub-clauses (b) to (c) of sub-section (2) of shall be female;

(4) The Chairperson and Members of the National Commission 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 Leader of Opposition in the House of the People—Member;
- (d) the Chairman of the Council of States—Member;
- (e) the Leader of the Opposition in The Council of States—Member; and 5
- (f) the Chief Justice of India, or any other Justice of Supreme Court nominated by the Chief Justice on his behalf.

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

(6) The Selection Committee shall for the purposes of selecting the Chairperson and 10  
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 15  
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 the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(7) The selection Committee shall regulate its own procedure in a transparent manner 20  
for selecting the Chairperson and Members of the National Commission;

(8) The term of the Search Committee referred to in sub-section (6), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

Term of office. **14.** (1) The members of the National Commission shall hold office for a term of four 25  
years from the date on which they enter upon their office;

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

Resignation and Removal. **15.** (1) Any Member of the National Commission may, by notice in writing addressed 30  
to the President, resign their office;

(2) Subject to the provisions of sub-section (1) of section 15, any Member of the National Commission shall only be removed from their office by order of the President on the grounds of proven misbehaviour or incapacity after thorough inquiry following due procedure;

(3) Notwithstanding anything in sub-section (2) of section 15, the President may, by 35  
order, remove from office any member as the case may be if the member:—

- (a) is adjudged an insolvent; or
- (b) engages in employment during their office tenure that adversely affects the National Commission and/or its functioning; or
- (c) is convicted and sentenced to imprisonment for any offence.

Vacancy. **16.** (1) In the event of any vacancy in the office of the Chairperson or Vice-Chairperson 40  
of the National Commission due to any reason, the President may, by notification, authorise any two members to take up their responsibilities until the appointment of new members to fill such vacancy;

(2) If the Chairperson and Vice-Chairperson are unable to discharge their functions', 45  
the President may, by notification, authorise any two members to discharge their functions until resumption of their duties.



17. The salaries and allowances payable to and other terms and conditions of service of the members shall be such as may be prescribed. Salary and Allowances.
18. (1) The National Commission shall meet at such time and place as the Chairperson may think fit; Meetings of the National Commission.
- 5 (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 of the National Commission duly authorised by the Chairperson in this behalf.
- 10 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; Secretary to the National Commission.
- (2) Subject to such rules as may be made by the Central Government in this behalf, the National Commission may appoint such other administrative and technical officers and staff, as it may consider necessary;
- 15 (3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) of section 19 shall be such as may be prescribed.
- 20 20. The National Commission shall perform all or any of the following functions, namely:— Functions of 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;
- 25 (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;
- 30 (e) periodically review the provisions of this Act *vis-a-vis* international developments and make recommendations for updating them as and when necessary to accommodate said developments in the field;
- 35 (f) regularly liaison with stakeholders including individual 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;
- 40 (h) recommend 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:
- 45 Provided that the authorities must respond within a period of two months from the date of receipt of the recommendation regarding acceptance of said recommendations or rejection with reasons as the case may be;

(i) monitor, make recommendations to and review the work of State Commissions as established by section 22 of this Act.

Annual Report.

**21. (1)** The National Commission shall submit an annual report to the Central Government and may submit special reports on any matter of urgent importance over and above the annual report;

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

State Commission for Elder Care.

**22. (1)** Every State Government may constitute a State Commission for Elder Care to exercise the powers conferred upon and to perform the functions assigned to a State Commission under this chapter.

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(2) The State Commission shall consist of,—

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

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(b) a Vice-Chairperson, who is a distinguished individual with recognised service in the field of medicine and healthcare and shall be the interim Chairperson in the event of vacancy or incapacity of the Chairperson of the State Commission until such time that a new Chairperson is appointed to the position;

(c) five representatives from the following categories—

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(i) Senior Citizen's Association;

(ii) Pensioner's Association;

(iii) Non-Governmental Organisation working for elder persons;

(iv) elder person from the transgender community;

(v) elder person from the community of persons with disability.

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(3) Appointments to all positions shall be made by the appropriate 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.

Term of office.

**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;

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

Resignation and removal.

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

(2) Subject to the provisions of sub-section (1) of section 24, any Member of the State Commission shall only be removed from their office by order of the Governor on the grounds of proven misbehaviour or incapacity after thorough inquiry following due procedure;

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(3) Notwithstanding anything in sub-section (2) of section 24, the Governor may, by order, remove from office any member as the case may be if the member:—

(a) is adjusted an insolvent; or

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

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

25. (1) In the event of any vacancy in the office of the Chairperson or Vice-Chairperson due to any reason, the Governor may, by notification, authorise any two members to take up their responsibilities until the appointment of new members to fill such vacancy; Vacancy.
- (2) If the Chairperson and Vice-Chairperson of the State Commission are unable to discharge their functions', the Governor may, by notification, authorise any two members to discharge their functions until resumption of their duties.
26. The salaries and allowances payable to and other terms and conditions of service of the members shall be such as may be prescribed. Salary and allowances.
27. (1) The State Commission shall meet at such time and place as the Chairperson may think fit; Meetings of the State Commission.
- (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.
28. (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; Secretary to the Commission.
- (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;
- (3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) of section 28 shall be such as may be prescribed.
29. (1) The State Commission shall perform the functions laid down in section 20— Functions of the State Commission.
- (i) in clause (h) of section 20;
- (ii) in references to Central Government shall be construed to refer to State Governments for the purpose of defining the functions of the State Commission;
- (2) the State Commission shall be responsible for operating state emergency helplines and establishing local help centres for elder persons as laid down by this Act;
- (3) The State Commission shall consult with and report to the National Commission *suo-motu* or on request of the National Commission on matters pertaining to the field of elder care.
30. (1) The State Commission shall submit an annual report to the State Government and may submit special reports on any matter of urgent importance over and above the annual report; Annual Report.
- (2) The State Government shall cause the annual and special reports of the Commission to be laid before one or more houses of the State Legislative Assembly 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.
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- CHAPTER VIII**  
OFFENCES AND PENALTIES
31. (1) Whoever knowingly obstructs the implementation of the provisions laid down in this Act or aids and abets or incites such 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 imprisonment of not less than six months extendable upto two years or a fine of not less than rupees twenty thousand extendable upto rupees two lakh or with both; Offences and Penalties.
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(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 liable to be proceeded against and punished accordingly: 5

Provided that nothing contained in sub-section (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 IX MISCELLANEOUS 10

- 32.** The Central Government shall, after due appropriation made by Parliament by law, provide adequate funds, for carrying out the purposes of this Act. 15
- 33.** 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. 15
- 34.** 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 there made under.
- 35.** (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: 20
- 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. 25
- 36.** (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; 30
- (2) Every rule made by the Central Government 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 and has been passed with or without modifications or rejected by both the Houses:
- Provided that any rule made under this Act when the Parliament is not in Session shall be presented before both the Houses of Parliament in the first week of the immediate successive session with consent required from each House for the rule to be accepted with or without modifications or rejected due to lack of consent thereof; 35
- (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. 40

## 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 60+ and 80+ people will increase by 326% and 700% 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 blueprint 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 Indian Constitution much before it was raised in the international forum. Article 41 of the Indian 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.

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 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 older persons 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 9 of the Bill provides for setting up of a National Helpline for the Elderly and local emergency help centres from providing assistance to elderly. Clause 10 provides for setting up of a Senior Persons Fund. Clause 12 provides for salary for staff appointed for local emergency help centres. Clause 13 provides for setting up of a National Commission for Elder Care. Clause 17 provides for salaries, allowance to be paid to the members of National Commission of Elder Care. Clause 19 provides for salaries, allowance, and for administrative and technical staff of the National Commission for Elder Care. Clause 32 makes it obligatory for the Central Government to provide requisite funds to carry out the provisions of the Bill.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at present to quantify the funds that may be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers State Commission for elder care to frame rules regarding setting up of local help centers. Clause 12 gives rule making power regarding appointment of staff for local emergency center to appropriate Government. Clause 17 provides for rules regarding salaries, allowance, and terms and conditions of service for members of National Commission for Elder Care. Clause 18 gives the National Commission the power to lay down regulations regarding its own functioning. Clause 19 provides for rule making power regarding salaries, allowance, and terms and conditions or service for administrative and technical staff of the National Commission for Elder Care. Clause 22 empowers State Governments to lay down rules for appointment of a selection committee. Clause 26 Provides for rules regarding salaries, allowance, and terms and conditions of service for members of State Commissions for Elder Care. Clause 27 gives the State Commissions the power to lay down regulations to regarding its own functioning. Clause 28 provides for rule making power regarding salaries, allowance, and terms and conditions of service for administrative and technical staff of the State Commissions for Elder Care. Clause 36 empowers the appropriate Government to frame rules by notification in the Official Gazette. to carry out the provision of the Bill.

The rules to be framed by the Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

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to facilitate the development of a holistic national policy to ensure preservation of rights and provision of specialised care to senior citizens for their welfare and development to be undertaken by the State and for matters connected therewith and incidental thereto.

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