

Bill No. X of 2006

**THE SENIOR CITIZENS (MAINTENANCE, PROTECTION AND
WELFARE) BILL, 2006**

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BILL

to provide for the compulsory maintenance, protection and welfare of senior citizens so as to secure a life of dignity, peace and security for them and for the welfare measures to be undertaken by the State for its aged citizens and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Senior Citizens (Maintenance, Protection and Welfare) Act, 2006.

Short title,
extent and
commence-
ment.

(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.

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

(b) “indigent” means a senior citizen who, due to age related infirmity or disability or ailment, is incapable to earn his livelihood and who has no independent and adequate means of livelihood;

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

(d) “senior citizen” means any citizen who is sixty or more years of age.

National Policy for the senior citizens.

3. The Central Government shall, as soon as may be, but within one year of commencement of this Act, review the existing policy, if any, and formulate a National Policy for the overall welfare, care and protection of the senior citizens so as to give them a secure life of dignity at the fag end of their lives.

Compulsory maintenance of senior citizens by their kins.

4. (1) Notwithstanding anything contained in any other law for the time being in force it shall be the duty of every person to take care, look after and maintain his parents and grand parents and more so who do not have any source of income or sustenance, as the case may be.

(2) Whoever fails to comply with the provisions of sub-section (1) shall be guilty of an offence under this Act.

Register of senior citizens.

5. The appropriate Government shall maintain district wise register of senior citizens with such details and particulars and in such manner as may be prescribed.

Establishment of senior citizens' homes.

6. (1) The Central Government shall establish and maintain sufficient number of senior citizens' homes at conspicuous places in the country in consultation with the concerned Governments of the States and Union Territory Administrations and provide all necessary facilities in such homes as may be prescribed.

(2) All indigent and other senior citizens abandoned or neglected by their kith and kin shall be kept in the homes referred to in sub-section (1) by the appropriate Government.

(3) Apart from the facilities of day to day life, the homes shall also provide means of entertainment and such recreational facilities which may help the senior citizens residing in such homes to overcome their distress at being indigent or being neglected by their kith and kin.

Financial assistance to senior citizens.

7. (1) Every senior citizen shall, on an application made in the prescribed format, be given rupees one thousand per month as financial assistance for his subsistence by the appropriate government in whose jurisdiction the senior citizen ordinarily resides and the financial assistance payable to such citizens shall be linked with the cost of living index so as to ensure a decent living to the senior citizens:

Provided that the financial assistance shall not be given to those senior citizens who are residing and being looked after in the senior citizens homes established under section 6.

(2) The financial assistance referred to in sub-section (1) shall be disbursed to the senior citizens through Government Treasury or any branch of a public sector Bank or Post Office as per the preference given by the concerned senior citizen in his application form.

Medical and Other facilities to the senior citizens.

8. The appropriate Government shall provide to every senior citizen,—

(a) free medical treatment in Government hospitals and dispensaries or other dispensaries, nursing homes and clinics recognized by the appropriate Government;

(b) free travel facilities by public transport and concessions in private owned transport;

(c) free pilgrimages within the country, pilgrimage to Mansarovar and Haj in such manner as may be prescribed;

(d) facilities for Yoga and other sports;

(e) interest free loans for housing and self-employment purposes.

Area Police to provide security to senior citizens.

9. (1) Notwithstanding anything contained in any other law for the time being in force the local police of every Police Station or Police Post shall keep a record of all the senior citizens residing in its jurisdiction so as to provide maximum security to such citizens.

(2) It shall be the duty of the area Station House Officer or In-charge of the Police Post of the local Police as the case may be to provide maximum security to every lone senior citizen or lonely couple residing in his jurisdiction in such manner as may be prescribed.

10. (1) In case of non-compliance of the provisions of section 4 by any person, a Magistrate of the first class may, upon proof of such neglect or refusal by such person, order such person to make a monthly allowance or lump sum payment thereof for such period as may be prescribed for the maintenance of his father or mother or both, as the case may be and to pay the same to such senior citizen as the Magistrate may from time to time direct.

Maintenance Allowance in certain cases.

(2) The Magistrate may, before making an order under sub-section (1), consider all or any of the following matters:

(a) the average income, property or joint family property income of the person against whom maintenance order has to be passed.

(b) the standard of living of the family;

(c) any other matter which, in the circumstances, the Magistrate may consider relevant.

(3) An appeal shall lie to the concerned High Court from any order made by the Magistrate under sub-section (1).

11. If any person who is ordered to pay maintenance allowance under section 10 of this Act, fails without sufficient reasons to comply with the order or willfully refuses to maintain and take care of his parents or grand parents, as the case may be, shall be liable to imprisonment for a term which shall not be less than five years but may extend to ten years and also with fine which may extend to ten lakh rupees.

Penalty.

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

Central Government to provide requisite funds.

13. The provisions of 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 in any part of the country.

Act to have overriding effect.

14. 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

As per Census 2001, there were 7,66,22,321 senior citizens in our country and their population is growing very fast and by the year 2016 the population of senior citizens will be more than ten per cent of the total population of the nation. Majority of these senior citizens are unable to take care of themselves and do not have sufficient means to lead a decent and happy life. Due to near disintegration of joint family system and economic considerations by their kith and kin, the senior citizens are being ignored by their near and dear ones who are left to fend for themselves and compelled to lead a lonely and disappointed life. Though section 125 of the Code of Criminal Procedure, 1973 provides for maintenance allowance that the senior citizens can claim from their legal heirs, but generally the majority of senior citizens do not claim maintenance because of their ignorance or self-pride which compels them to disown their kith and kin who they feel have dumped them.

These days another alarming trend which is emerging is that lonely or couple senior citizens are being murdered either for their property or are robbed and they are becoming easy targets of the criminals. Hence it has become necessary to give utmost security to the senior citizens.

In a welfare State like ours, it is the duty of the Central and State Governments to look after the senior citizens so that they too lead a decent life at the fag end of their lives. For this, the Central Government should open Senior Citizen Homes, give financial assistance, medical aid and other facilities to the indigent and needy senior citizens so as to enable them to forget the wounds given by their own near and dear ones.

Hence this Bill.

SUSHMA SWARAJ

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of Senior Citizens Homes. Clause 7 provides for the financial assistance to senior citizens. Clause 8 provides for medical and other facilities for senior citizens. Clause 12 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may involve as recurring expenditure per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shrimati Sushma Swaraj, M.P.)