

Bill No. 90 of 2016

**THE MAINTENANCE AND WELFARE OF PARENTS AND
SENIOR CITIZENS (AMENDMENT) BILL, 2016**

By

SHRIMATI POONAM MAHAJAN, M.P.

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BILL

*to amend the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007*

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

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2016.

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

Short title
and com-
mencement.

Amendment of section 2. **2.** In the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (hereinafter referred to as the principal Act), in section 2, after clause (a), the following clause shall be inserted, namely:— 56 of 2007.

'(aa) "Fund" means the Senior Citizens Welfare Fund constituted under section 23A;'

Amendment of section 8. **3.** In section 8 of the principal Act, in clause (3), for the words "any claim for maintenance", the words "any claim for maintenance or welfare of senior citizens" shall be substituted.

Amendment of section 9. **4.** In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— 10

"(2) The maximum maintenance allowance which may be ordered by such Tribunal shall be awarded taking into consideration:—

(i) the position and status of the parties;

(ii) the reasonable wants of the claimant; and

(iii) the value of the claimant's property and any income derived from such property, or the claimant's own earning or earning from any other source." 15

Insertion of new Chapter IIIA. **5.** After Chapter III of the principal Act, the following chapter shall be inserted, namely:—

"Chapter IIIA

SPECIAL PROVISIONS FOR SENIOR CITIZENS 20

Facilities for the Senior Citizens. **19A. The State Government shall provide the following facilities to senior citizens—**

(a) concessions—

(i) in all modes of transportation including reservation of seats and earmarking of seats in local public transport;

(ii) in gas and telephone connections; and 25

(iii) in entrance fees in leisure and entertainment facilities, art and cultural centres and places of tourist interests;

(b) higher rate of interest to senior citizens on savings schemes in public sector banks; and

(c) ease of accessibility to senior citizens by— 30

(i) removal of physical barriers to facilitate easy movement of senior citizens in all public buildings; and

(ii) modifications in designs of public transport vehicles for easy entry and exit and strict enforcement of traffic discipline at zebra crossing to facilitate senior citizens. 35

Senior Citizen Identity Card. **19B. (1) The Central Government shall designate an agency at the national level for issuing Identity Cards to the senior citizens.**

(2) The identity card issued under sub-section (1) shall be utilized to avail the benefits of various Central and State Government schemes meant for senior citizens.

(3) The identity card issued under sub-section (1), shall contain particulars of the senior citizens including blood group, allergies, ailment and medication and an emergency contact number." 40

6. In section 20 of the principal Act,—

Amendment of section 20.

(a) for clause (i), the following clause shall be substituted, namely:—

"(i) the Government hospitals or hospitals funded fully or partially by the Government earmark not less than ten per cent. of the beds for senior citizens;" and

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(b) after clause (v), the following clauses shall be inserted, namely:—

"(vi) health insurance for senior citizens is provided at affordable premium:

Provided that for senior citizens living below poverty line, the premium shall be paid by the State Government;

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(vii) facility of trained nurses is provided for needy ailing senior citizens at their residences;

(viii) counseling facilities and information on the care and treatment of senior citizens having psychological problems be provided;

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(ix) non-Governmental organizations get grants, training and orientation of their personnel and various concessions to provide ambulance services, day care and health care to senior citizens in order to complement the efforts of the State."

7. In section 21 of the principal Act, after clause (iii), the following clauses shall be inserted, namely:—

Amendment of section 21.

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"(iv) voluntary organizations and associations of senior citizens are assisted to provide helpline services, legal aid and other protective services;

(v) senior citizens who have been abandoned are provided quality residential accommodation, medical facilities and all other concessions available under this Act; and

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(vi) police keeps a friendly vigil on senior citizens, either couple or single living alone, and promote mechanism of interaction with neighborhood associations."

8. After Chapter V of the principal Act, the following chapter shall be inserted, namely:—

Insertion of new Chapter VA.

"CHAPTER VA

SENIOR CITIZENS WELFARE FUND

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23A. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Senior Citizens Welfare Fund for the welfare of senior citizens and there shall be credited—

Constitution of the Senior Citizens Welfare Fund.

(a) all sums received by way of grants, gifts, donations, benefactions, bequests or transfer;

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(b) all sums received from the Central Government including grants-in-aids;

(c) all sums from such other sources as may be decided by the Central Government.

(2) All contributions to the Fund shall be provided income tax relief to the extent of ten per cent.

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(3) The State Governments shall also establish a similar Fund for the welfare of the senior citizens in the States concerned.

(4) The Fund shall be utilized and managed in such manner as may be prescribed.

Accounts and
Audit of the
Fund.

23B. (1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Auditor-General of India. 5

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government account, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund. 10

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.". 15

STATEMENT OF OBJECTS AND REASONS

The legislation for the Maintenance and Welfare of the Parents and Senior Citizens came into place with the development of the provisions of article 41 read with Entry 23 of the List III Concurrent List of Schedule VIII of the Constitution.

The present Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has provisions with regard to maintenance of parents and senior citizens, establishment of old age homes, medical care for senior citizens and specifies offences for non-fulfillment of the above. Since this is the only Act which takes care of the rights of senior citizens, it should be holistic in nature. The need is that focus should not be only in providing maintenance to the elderly but also ensuring a qualitative and productive life for them in the private as well as in public sphere.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to provide for—

(a) special provisions for senior citizens including concessions in travel, gas and telephone connections and entrance fees in leisure and entertainment facilities;

(b) issuance of identity card for senior citizens in order to avail the benefits of various Central and State Government schemes of assistance;

(c) removal of physical barriers to facilitate easy movement of senior citizens in public buildings and public transport;

(d) extension of the scope of the Maintenance Tribunal for speedy disposal of complaints not only with regard to maintenance but also relating to fraudulent dealings, cheating and other claims of the welfare of senior citizens;

(e) incorporation of certain criterion for the determination of the maximum amount of maintenance for the senior citizens as well as his family;

(f) engagement of the services of voluntary organizations and associations of senior citizens in providing helpline services, legal aid and other protective services to senior citizens;

(g) constitution of Senior Citizens Welfare Fund for the welfare of senior citizens;

(h) affordable health insurance, specialized trained nurses, counseling facilities to senior citizen and training, grants and concessions to non-governmental organizations to provide ambulatory services, day care and health care to complement the efforts of the State.

Hence this Bill.

NEW DELHI;

November 16, 2015.

POONAM MAHAJAN

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1) AND 117(3) OF
THE CONSTITUTION

[Copy of letter No. 15—36(72)/2015-16/AG.II dated 20 March, 2016 from Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2016 (Amendment of section 2, etc.) by Shrimati Poonam Mahajan, M.P., recommends to the House the introduction of the Bill under articles 117(1) and 274(1) and consideration under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for creating necessary infrastructure in public buildings and public transport for ensuring easy accessibility of senior citizens. It also provides for a issuance of Identity card to Senior Citizens. Clause 8 provides for the constitution of Senior Citizens Welfare Fund to which contribution from the Central Government shall be credited. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE MAINTENANCE AND WELFARE OF
PARENTS AND SENIOR CITIZENS ACT, 2007

(ACT NO. 56 OF 2007)

	* * * * *
Definitions.	2. (a) "children" includes son, daughter, grandson and grand-daughter but does not include a minor;
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Summary procedure in case of inquiry.	8. (3) Subject to any rule that may be made in this behalf, the Tribunal may, for the purpose of adjudicating and decided upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.
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Order for maintenance.	9. (2) The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.
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Medical support for senior citizen.	20. The State Government shall ensure that,— (i) the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible; (ii) separate queues be arranged for senior citizens; (iii) facility for treatment of chronic, and degenerative diseases is expanded for senior citizens; (iv) research activities for chronic elderly diseases and ageing expanded; (v) there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.
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Measures for publicity, awareness, etc., for welfare of senior citizen.	21. The State Government shall, take all measures to ensure that— (i) The provisions of this Act are given wide publicity through public media including the television, radio and the print, at regular intervals; (ii) The Central Government and State Government Officers, including the police officers and the members of the judicial service, are given periodic sensitization and awareness training on the issues relating to this Act; (iii) Effective co-ordination between the service provided by the concerned Ministries or Department dealing with law, home affairs, health and welfare, to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.
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LOK SABHA

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BILL

to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

(Shrimati Poonam Mahajan, M.P.)