

**STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT (2020-21)**

(SEVENTEENTH LOK SABHA)

**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
(Department of Social Justice and Empowerment)**

**“The Maintenance and Welfare of Parents and Senior
Citizens (Amendment) Bill, 2019”**

FOURTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI
January, 2021/ Magha 1942 (Saka)**

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**"THE MAINTENANCE AND WELFARE OF PARENTS AND
SENIOR CITIZENS (AMENDMENT) BILL, 2019"**

Presented to Lok Sabha on 29 January, 2021

Laid in Rajya Sabha on 29 January, 2021



**LOK SABHA SECRETARIAT
NEW DELHI
January, 2021/ Magha 1942 (Saka)**

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**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL
JUSTICE AND EMPOWERMENT (2019-20)**

SMT. RAMA DEVI - CHAIRPERSON

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Lok Sabha

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- *30. Shri Ram Nath Thakur
31. Shri Ramkumar Verma

Nominated to the Committee w.e.f. 09.12.2019.

* Nominated to the Committee w.e.f. 22.07.2020.

**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL
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28. Shri Narayan Koragappa*
29. Shri Ram Nath Thakur
30. Shri Ramkumar Verma
31. Shri Ram Ji*

* Nominated to the Committee *w.e.f.* 28.12.2020

SECRETARIAT

1. Smt. Anita B. Panda - Joint Secretary
2. Smt. Mamta Kemwal - Director
3. Shri. Janmesh Singh - Deputy Secretary
4. Shri Salil Saroj - Committee Officer

INTRODUCTION

I, the Chairperson of the Standing Committee on Social Justice and Empowerment (2020-21) having been authorized by the Committee, do present this Fourteenth Report on 'The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019'.

2. The said Amendment Bill was introduced in Lok Sabha on 11 December, 2019 and was referred to the Standing Committee on Social Justice and Empowerment on 23 December, 2019 for examination and Report.

3. During the course of examination of the Amendment Bill, the Committee were briefed by the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) on 6 February, 2020. The Committee also took oral evidence of the Ministry on 6 August, 2020 and 3 September, 2020 and heard the views of various organizations/ stakeholders working in the field of elderly care on 19 August, 2020 and 3 September, 2020. The Committee were also furnished with written information on various aspects relating to the Bill from the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment).

4. The Committee issued a Press Release inviting memoranda/views from members of general public and other stakeholders on the Amendment Bill and the views/suggestions so received were suitably considered by the Committee.

5. The Committee considered and adopted this Report at their sitting held on 19 January, 2021. The Minutes of the sittings of the Committee are appended to the Report.

6. The Committee wish to express their gratitude to the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) for appearing before the Committee and also for furnishing background information and written replies to the points raised by the Committee in connection with the examination of the Amendment Bill. The Committee also wish to thank the representatives of various organizations/ stakeholders working in the field of elderly care, who deposed before them.

7. The Committee place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

8. For facilitation of reference and convenience, the Observations/Recommendations of the Committee have been printed in bold in the body of the Report.

New Delhi;
21 January, 2021
1 Magha 1942 (Saka)

RAMA DEVI
CHAIRPERSON,
STANDING COMMITTEE ON SOCIAL JUSTICE
AND EMPOWERMENT

CHAPTER I

INTRODUCTORY

As per 2011 Census, total population of Senior Citizens (people aged 60 years and above) in the country is 10.38 crore of which the population of male and female Senior Citizens is 5.11 crore and 5.27 crore, respectively. Out of the total 10.38 crore population of senior citizens in the country, approximately 7.32 crore stay in rural and 3.05 crore stay in urban areas. State-wise population of Senior Citizens is given in **Annexure- I**.

1.2 Continuous increase in life expectancy means that more people are now living longer. General improvement in the health care facilities over the years is one of the main reasons for continuing increase in proportion of population of senior citizens. Ensuring that they not merely live longer, but lead a secure, dignified and productive life, is a major challenge. Increase in population of senior citizens as per Census Report is as follows:

Census	Total Population (Crore)	Population of Senior Citizens (Crore)	Percentage
1991	83.85	5.7	6.8%
2001	102.86	7.7	7.5%
2011	121.06	10.38	8.57%

1.3 The projected population aged 60+ and their percentage share in the total projected population of the country, for the year 2016 to 2026 (as on 1st March) as per the May 2006 Report of the Technical Group on Population Projections constituted by

the National Commission on Population is as under:

(Per thousand productive population)

Year	Projected Senior Citizens Population (Crore)			As % of total population		
	Persons	Male	Female	Persons	Male	Female
2016	11.81	5.81	5.99	9.3	8.8	9.8
2021	14.32	7.06	7.26	10.7	10.2	11.3
2026	17.32	8.46	8.86	12.4	11.7	13.1

Hence in the next five years, the country will have an addition of more than 5 crore senior citizens i.e. 17.32 crore from around 12 crore presently.

1.4 Old Age Dependency Ratio has also been steadily rising during the past three decades. The old age dependency Ratio was 122 in 1991 and it rose to 131 in 2001. As on 2011, the Old Age Dependency Ration in India stood at 142.

1.5 In view of the rising share of Senior Citizens in total population and other socio-economic changes, it is imperative that that there is a suitable policy for senior citizens in the country. The Government had therefore, enunciated National Policy for Older Persons, 1999 for delivering a broader policy perspective for their overall welfare. Same is placed at **Annexure-II**.

1.6 Article 41 of the Constitution under the 'Directive Principles of State Policy' provides *inter alia* that the State shall make effective provisions for public assistance including old age. India is also a signatory to the Madrid International Plan of Action on Ageing (MIPAA) adopted in 2002, which covers the priority areas of older persons and development, health and wellbeing in older age and ensuring enabling and supportive environment for the elderly. Keeping in view the United Nation's principles for older persons, the Government of India had announced a National Policy on Older Persons, which inter alia envisaged legislative measures for securing welfare of senior citizens.

1.7 Pursuant to the policy, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereafter referred to as 'The Principal Act') was enacted as a Central Act to ensure need based maintenance for parents and senior citizens and for their welfare. The Principal Act provides for maintenance of parents/senior citizens by children/relatives as obligatory and justiciable through a Tribunal constituted for the purpose. The Principal Act also provides for revocation of conditional transfer of property by senior citizens in case of non maintenance. The Principal Act envisages punishment for intentional abandonment of senior citizens by children/relatives. The State Governments are required to construct and maintain old age homes for indigent senior citizens. The Principal Act also envisages that the State will provide adequate medical facilities and protection of life and property of senior citizens.

1.8 The Statement of Objects and Reasons given at the time of introduction of the Maintenance and Welfare of Parents and Senior Citizens Bill, 2007 is as follows:-

“Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is need to have simple, inexpensive and speedy provisions to claim maintenance for parents.”

1.9 The Principal Act has been under implementation for more than one decade. According to the Ministry of Social Justice and Empowerment, based on the experience of implementation of the Principal Act including the feedback received from the stakeholders, the Government has found it expedient to suitably amend the provisions of the Principal Act in order to make it more contemporary and effective.

1.10 The Ministry of Social Justice and Empowerment had statedly received a large number of representations from individuals and institutions stating problems relating to implementation of various provisions of the Principal Act at the grassroots level. Some of these were as under: in the definition of 'children', adopted/step children and son-in-law/daughter-in-law were not included; the maximum amount of maintenance was

grossly inadequate; provision for appeal against the order of the Maintenance Tribunal for the children/relative were not available, the revocation of transfer of property needed to also be made applicable to parents etc. Hon'ble High Court of Haryana & Punjab and High Court of Madras had also directed for a re-look on certain provisions of the Principal Act. In addition, as per the recommendations of the Group of Secretaries, provisions for uniform adoption of age criteria for benefits to the senior citizens, rating of organisations providing Home Care Services to the senior citizens and increase in the maintenance amount to senior citizens from the existing ₹10,000/- per month, also needed to be made in the Principal Act.

1.11 The Committee were informed that on the basis of the representations received from various fora, the Ministry of Social Justice and Empowerment constituted a Review Committee in January 2016, comprising representatives from Bar Council of India, National Institute of Social Defence, Non-Governmental Organisations, and Experts in the field of Ageing, to review the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Pursuant to the suggestions of the Review Committee, a National level Consultation meeting was held in August 2016 with representatives of related Central Ministries, States Governments/UT Administrations, Regional Resource and Training Centres (RRTCs) of the Senior Citizen Division of the Department, Law Commission, Bar Council of India, Non-Governmental Organisations, Experts in the field of ageing and members of Review Committee. Thereafter, a series of meetings were held under the Chairpersonship of Secretary, Ministry of Social & Empowerment with the members of the Review Committee, which recommended a comprehensive re-drafting of the existing provisions of MWPC Act, 2007.

1.12 The State of Himachal Pradesh had enacted a similar legislation named "The Himachal Pradesh Maintenance of Parents and Dependents Act, 2001" which provides for maintenance of parents, wives, children and for matters connected therewith. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been highly inspired by "The Himachal Pradesh Maintenance of Parents and Dependents Act, 2001" and suitably incorporated the provisions such as maintenance of parents or senior citizens by children or relatives obligatory and justiciable through Tribunals, and

revocation of transfer of property by senior citizens in case of neglect by relatives.

1.13 One more significant aspect highlighted by the Committee was regarding State of Jammu & Kashmir, which having special status, was excluded from the Principal Act, 2007. It was informed that now with removal of special status of J&K consequent upon the J&K Reorganization Act, 2019, the Principal Act of 2007 became applicable in J&K too.

1.14 As per the Ministry, an Evaluation Study has been done on the functioning and effectiveness of the MWPC Act, 2007 at the grassroot level by National Productivity Council, New Delhi.

1.15 The Government now proposes to amend relevant provisions of the Act of 2007 along with new insertions in the Bill, namely 'The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019' (hereafter referred to as 'The (Amendment) Bill' . The Statement of Objects and Reasons of the Bill *inter alia* reads as under:-.

"The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted on 29th December, 2007 to ensure need based maintenance for parents and senior citizens and their welfare. It's been more than a decade now that the Principal Act is in place, serving the needy parents and senior citizens, with the active co-operation of the State Governments and Union territory Administrations.

2. However, with the gradual breakdown of joint family system in the society, number of cases of neglect, crime, exploitation and abandonment of parents and senior citizens are in the rise. Various High Courts have also issued orders directing the Government to review provisions of the Principal Act.

3. After examining various provisions of the Principal Act, the Group of Secretaries have made recommendations to extend all the benefits to senior citizens of uniform age, to enhance maintenance amount for senior citizens and standardisation of homecare services. Besides, petitions and representations have been received from individuals and institutions requesting to make certain modifications in the Principal Act, including to bring daughter-in-law and son-in-law within the ambit of the definition of 'children', to provide punishment for abuse of parents and senior citizens. It is, therefore, decided to revise various

provisions of the said Act and to incorporate new provisions therein to make the Principal Act more comprehensive and helpful to the greying population.”

1.16 As per the Ministry of Social Justice and Empowerment, the (Amendment) Bill, has the following improved features:

- a) The long line of the Amendment Bill has been expanded to provide for not only maintenance and welfare of parents and senior citizens, for ensuring their overall physical and mental wellbeing; but also for the establishment, management and regulation of institutions for senior citizens and services; and to give effect to the provisions for the welfare of parents and senior citizens as guaranteed and recognized under the Constitution.
- b) The definition of "children" in Section 2(a) has been expanded to include adoptive or step children, son-in-law, daughter-in-law, grandson, grand-daughter and legal guardian of minor children so that the parent/senior citizen could seek maintenance from them, in the absence of biological children. Legal Guardian of minor children is also proposed to be included to cover the cases in which the property is inherited by minor children.
- c) The definition of ‘maintenance’ under Section 2 (b) has been expanded to include provisions of housing, safety and security, medical attendance, healthcare and treatment necessary for parents and senior citizens to lead a life of dignity.
- d) The definition of ‘welfare’ under section 2(k) has also been expanded to include physical and mental wellbeing of parents and senior citizens.
- e) Time limit for disposal of applications by the Tribunal, as given in section 5(4) of the Principal Act, is proposed to be counted from the date of receipt of application, as against the existing provision of counting from the date of service of notice to the respondents.
- f) The maximum ceiling of ₹10, 000/- as maintenance, given in section 9(2) of the Principal Act, has been proposed to be removed and substituted as “while determining the maintenance, the Tribunal may take into consideration the standard of living of the parent or senior citizen and the earnings of such parent or senior citizen and of the children or relative.”

- g) The right to appeal, as given in section 16(1) of the Principal Act, against the order of the Tribunal has been extended to the children/relatives also in the Amendment Bill, in order to ensure fair and equitable treatment to both the parties.
- h) In section 23(1) of the existing Act, the benefit of revocation of transfer of property is available to the senior citizen only. It is proposed to extend the benefit to the parent also.

1.17 Further, as per the Ministry, the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 has the following new major provisions:

- The provision for establishment of “Multi Service Day Care Centre for Senior Citizens” has been made under clause (ca), in Section 2 of the Principal Act which would be established or maintained by the Government or a Local Body or an organisation for providing day care facilities to senior citizens.
- The institutions providing residential facilities for senior citizens namely, “Senior Citizen Care Home” has been defined under clause (ha), in Section 2 of the Principal Act of the Bill, and provision has been made for their registration under section 19(3) of the Bill.
- Mode of submission of application for maintenance, as given in section 5(1) of the Principal Act, is proposed to be enlarged to include postal and online modes, in order to facilitate easier mode of communication to the senior citizens.
- Registration of Senior Citizens Care Homes: In section 19(2) of the Amendment Bill, suitable provision for registration of Senior Citizens Care Homes, Multi Service Day Care Centres, have been proposed to be inserted, in the interest of bringing regulatory framework in the functioning of Senior Citizens Care Homes.
- Minimum standards for the Senior Citizens Care Homes : Minimum standards for senior citizen care homes has been provided in section 19(5) of the Bill, which would include minimum standards for food, infrastructure, medical facilities, recreation, proper staff, safety and security etc.

- Provisions for Regulatory Authority to monitor the functioning of the institutions registered under section 19(3) have been incorporated under section 19(6) in the Amendment bill.
- A designated officer in police station not below the rank of Assistant Sub Inspector in every police station as a Nodal Officer for ‘Senior Citizens and Parents’ has been envisaged under section 22(2). Similarly, provisions for constituting of “Special Police Units for senior citizens” in each district by the State Governments, to coordinate all functions of the Police related matter of parent/senior citizens, which would be headed by a police officer not below the rank of Deputy Superintendent of Police, have also been incorporated under section of 22(3) of the Amendment Bill.
- Other Welfare Measures: Chapter V has been expanded to include other welfare measures for senior citizens apart from protection of life and property. In section 23(A) of the Amendment Bill, it has been provided that the benefits being extended by the Government and semi-Government/private organization for the elderly shall be available to senior citizens who are 60 years and above.
- Under section 23(A), it has also been inserted that Government shall take suitable measures to create more accessible and age-friendly environment, transportation, information and communications and other public facilities including separate queues for senior citizens. Provision has also been made for Helpline for safety and security for senior citizens under section 23(A) in the Amendment Bill.
- In section 32, enabling provision would be inserted in the Bill for the Central Government to make Model Rules under the Principal Act.

1.18 The Ministry of Social Justice and Empowerment has further informed the Committee that the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, if enacted, will affect the population of Senior Citizens in the following ways:

- (1) The expansion of the existing definition of “children”(to include son-in-law, daughter-in-law, biological/adoptive/step son and daughter, minors through

legal guardian), “parent” (to include father-in-law, mother-in-law and grandparents, whether or not a senior citizen) and “relatives” (to include minor through legal guardian) will enable parents/senior citizens to claim maintenance allowance from all admissible relatives.

- (2) The expansion of the existing definition of ‘maintenance’(to include housing, safety and security, healthcare) and “welfare” (to include clothing, housing, safety and security, medical attendance, treatment, physical and mental wellbeing) will enable parents and senior citizens to lead a life of dignity.
- (3) Means of submission of application for claiming maintenance has been expanded to ease the process of filling application on the part of parents or senior citizens.
- (4) The provision for disposal of maintenance application in the existing Act i.e. ‘within ninety days from date of service of notice of the application’ has been changed to ‘within ninety days from date of receipt of application’ to expedite the process of disposing of the cases filed in the Tribunals and for providing early relief to the needy applicants.
- (5) Further, time period for disposal of application of applicants above 80 years has been reduced. The time period has been fixed for disposal of such applications within 60 days in order to provide speedy relief to the ‘oldest old’.
- (6) In order to reduce the burden on Tribunals to hear and settle down cases, role of Conciliation Officer has been strengthened/expanded in the Amendment Bill. Further, to hasten the settlement of cases, the time period of submission of report by the Conciliation Officer has been reduced.
- (7) Removal of ceiling of ₹10,000 as maximum maintenance amount to be awarded to parents/senior citizens will ensure that it is fixed according to the needs of parent/senior citizens and capability of children/legal heirs to pay the maintenance allowance based on their earnings/income. This will help parent/senior citizens to lead a life of dignity which is commensurate with their normal standard of living.
- (8) By extending the provision of Appeal to children/relatives, the Amended Act will provide an equal ground to children/relatives who are aggrieved by the

order of Maintenance Tribunal. However, as per the principle of natural justice, children/relatives have to continue to pay to parent or senior citizen, the maintenance allowance as ordered by the Maintenance Tribunal. This provision has been extended to children/relatives, especially in view of various Court directions in this regard.

- (9) Expansion of the role of Maintenance Officer will simplify the whole process, from filling of application for maintenance to implementation of the order of the Tribunal, for parents/senior citizens as they will get single-point guidance on the issue.
- (10) Central Government to prescribe Minimum Standards required for establishment, running and maintenance of Senior Citizens Care Homes. This will enable senior citizens to avail quality facilities in such Homes across the country.
- (11) Provision for registration of Senior Citizens Care Homes (erstwhile Old Age Home) and Multi-service Day Care Centres will help in having a database of all such Homes, whether run by Government or private organizations. It will also help in compliance of the minimum quality standards laid down by the Government.
- (12) The State Government, by designating Regulatory Authority to monitor the functioning of the institutions registered, under the new Act, will ensure that the Minimum Quality Standards are adhered to.
- (13) By introducing the provision for Homecare Services to senior citizens, the new Act will facilitate those ailing senior citizens who need continuous physical and medical attention at home.
- (14) Registration and Accreditation of agencies providing Homecare Services to senior citizens will enable senior citizens and their families to choose the best homecare service providing agency for their near and dear ones. This addresses the need for having quality homecare services for ailing senior citizens.

- (15) The introduction of the provision for every Police Station to have a 'Nodal Officer for Senior Citizens' in the Bill is to curb the growing number of crimes being done on senior citizens, whether living alone or with their families.
- (16) The existing provision of 'Transfer of property to be void in certain circumstances' has been extended to 'parents', in addition to senior citizens (as given in MWPSC Act'07) so as to enable them also to maintain their right over their property, even after transferring the same to their children/relatives.
- (17) The new Act will provide a similar ground for all those who are aged 60 years and/ or above to avail benefits and concessions, being extended by the Central/State Govt./Semi-Govt./Pvt. to senior citizens, while not adversely affecting the already existing benefits being extended to 'senior citizens' below 60 years of age.
- (18) As per the Amendment Bill, the State Government shall establish and maintain Helpline for safety and security of senior citizens having one common number across the nation, which shall be linked to healthcare facilities, police department and other related agencies.
- (19) The Amendment Bill contains provision to deter the growing cases of abandonment and abuse of senior citizens/parents by their children/relatives.
- (20) Inclusion of more Government Departments to ensure better service delivery through effective coordination and convergence is envisaged in the Amendment Bill.

1.19 The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 was introduced in Lok Sabha on 11 December, 2019 and it was referred to the Standing Committee on Social Justice and Empowerment on 23 December, 2019 for detailed examination and report. The Bill as introduced in Lok Sabha is given at **Annexure-III**.

1.20 The Committee had detailed discussions on the clauses of the Bill with representatives of the Ministry as well as several stakeholders, heard their views and sought information on various issues concerning the Amendment Bill as well as on the

implementation of the Act of 2007, during their four meetings held on 6.2.2020, 6.8.2020, 19.8.2020 and 3.9.2020 as well as undertook a study visit to a home run for elders in Puducherry. Their report follows hereinafter.

1.21 The Committee note that the fast growing population of senior citizens has necessitated critical policy interventions on the part of the Government. Pursuant to this, 'The Maintenance and Welfare of Parents and Senior Citizens Act, 2007' was enacted as a Central Act to ensure need based maintenance for parents and senior citizens and for their welfare. Based on the experience of implementation of the MWPSA Act, 2007, large number of representations received from the individuals and institutions relating to implementation of this Act and directions of the High Court of Haryana & Punjab and High Court of Madras, the Government decided to review the Principal Act. The Committee note that following the recommendations of the Review Committee comprising representatives from Bar Council of India, National Institute of Social Defence, Non-governmental Organizations and Experts in the field of ageing, the Ministry of Social Justice and Empowerment has introduced 'The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019' seeking to amend the relevant provisions of the Maintenance and Welfare of Senior Citizens Act, 2007 alongwith insertions of new provisions. The Committee note that the intention of the Government behind the Amendment Bill is that it will significantly augment the quality of life of parents and senior citizens through improved provisions which include wider definitions of 'children', 'parent', 'maintenance' and 'welfare', removal of the maximum ceiling of ₹ 10,000 as maintenance, establishment of 'Multi Service Day Care Centre for Senior Citizens' and 'Senior Citizens Care Home', etc. Accordingly, after due examination, the Committee commend 'The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019' for

consideration and enactment by the Parliament with certain Observations/Suggestions/Recommendations as given in the succeeding Chapters of the Report.

CHAPTER II

AMENDMENT OF DEFINITIONS

The Ministry have stated that the long line of the Principal Act has been expanded to provide for not only maintenance and welfare of parents and senior citizens, for ensuring their overall physical and mental wellbeing; but also for the establishment, management and regulation of institutions for senior citizens and services; and to give effect to the provisions for the welfare of parents and senior citizens as guaranteed and recognized under the Constitution.

2.2 Thus, in the Principal Act, for the long line, the following long line shall be substituted, namely:—

"An Act to give effect to the provisions for the welfare of parents and senior citizens as guaranteed and recognised under the Constitution by providing for the maintenance and welfare of parents and senior citizens, ensuring their overall physical and mental well-being, establishment, management and regulation of institutions for senior citizens and services therefor and for other matters connected therewith or incidental thereto."

Definition of 'Children'

2.3 The definition of Children under the Principal Act is very important because the Principal Act empowers the parents and Senior Citizens to claim maintenance from the set of relations which are enumerated as 'children' under the Principal Act. As per the existing provisions of MWPSA Act, 2007, "children" includes son, daughter, grandson and grand-daughter but does not include a minor.

2.4 Now as per the Amendment Bill, 2019, "children", in relation to a parent or a senior citizen, means his son or daughter, whether biological, adoptive or step-child and includes his son-in-law, daughter-in-law, grandson, grand-daughter and the legal guardian of minor children, if any.

2.5 Hence, the existing definition of 'children' has been expanded so that maintenance may be claimed from all admissible relatives/ legal heirs of parents and senior citizens.

2.6 Responding to a query of the Committee about provisions for care of such senior citizens and parents, who have outlived their children on whom they were dependent, especially when they may not be having even distant relatives to care for them, the Ministry, through a written reply, inter alia submitted as under:-

“.....In the worst situation, where the senior citizen or the parent has no one to look after financially, they may receive Old Age Pension under IGNOAPS/State Government, and if not able to look after themselves physically, then they may stay in Senior Citizen Care Homes/Old Age Homes, run by Government, NGOs or Trusts or Charities.

The Principal Act can only lay down the broad policy framework and the finer details may be included in the Rules or Schemes to be framed by the respective Governments. “The appropriate government may frame such Schemes in the manner to be prescribed as may be necessary to make provision for those senior citizens who do not any children or relatives to take care of their needs.”The Scheme could then include clauses to the effect that where the senior citizens do not have anyone to take care of them, they would receive enhanced old age pension.”

Definition of 'Maintenance'

2.7 The definition of 'Maintenance' under the amended Principal Act has been expanded holistically so as to make the Principal Act more responsive to the needs and concerns of the parents and senior citizens. As per the existing provisions of MWPSA Act, 2007, “maintenance” includes provision for food, clothing, residence and medical attendance and treatment.

2.8 As per the Ministry, the existing definition of the term 'maintenance' has been expanded to increase the purview of 'care and maintenance' under the Amendment Bill. Now it includes provision for food, clothing, housing, safety and security, medical attendance, healthcare and treatment necessary to lead a life of dignity.

2.9 The Ministry was asked by the Committee to explain the scope of 'life of dignity' in the Amendment Bill. In a written reply their inter alia submitted as under:-

“The United Nations Principles of Older Persons in respect of dignity states that Senior citizens should be able to live in dignity and security and be free of exploitation and physical or mental abuse. They should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status and be valued independently of their economic contribution. Privacy, independence, social and family relationships, pain management, integrity, participation in self-care and social participation are indicative of dignity.

In terms of this Act, it means a life of physical and mental well being. Accordingly, it is defined as Welfare i.e. ‘provision for food, clothing, housing, safety and security, medical attendance, healthcare and treatment, recreation and other amenities necessary for the physical and mental wellbeing of parents and senior citizens’.”

Definition of ‘Parent’

2.10 As per the existing provisions of the Principal Act, 2007, “parent” means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen.

2.11 Now, as per the amendments proposed, “parent” would mean father or mother, whether biological, adoptive or step-parent and includes father-in-law, mother-in-law and grandparents, whether or not a senior citizen.

2.12 The explanation furnished by the Ministry on the same is as follows:-

“The existing definition of ‘parent’ has been expanded to extend the sense of responsibility of children/relatives towards not just their biological parents.”

Definition of ‘Relative’

2.13 As per the existing provisions of the Principal Act, 2007, “relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death.

2.14 Now, as per the amendments proposed, “relative” would mean any legal heir of the childless senior citizen, including a minor, through his legal guardian, who is in possession of or would inherit, his property after his death.

2.15 The explanation for expanding the definition is as follows:-

“Inclusion of ‘minors though legal guardians’ will enable the senior citizen to claim maintenance from them as well.”

Definition of ‘Welfare’

2.16 As per the existing provisions of MWPSC Act, 2007, “welfare” means provision for food, healthcare, recreation centre and other amenities necessary for the senior citizens.

2.17 Now, as per the amendments proposed in the Principal Act, “welfare” would mean provision for food, clothing, housing, safety and security, medical attendance, healthcare and treatment, recreation and other amenities necessary for the physical and mental wellbeing of parents and senior citizens.’

2.18 The explanation furnished by the Ministry for expanding the definition of ‘welfare’ is as follows:-

“The existing definition of ‘welfare’ has been expanded to include both maintenance and wellbeing (recreation, peer interaction, entertainment etc.) of parents/senior citizens.”

2.19 The Committee note that the long line of the Principal Act has been expanded in the Amendment Bill to highlight establishment, management and regulation of institutions for senior citizens and services therefor. Towards this, while some provisions of the Principal Act have been amended, new provisions have also been proposed in the Amendment Bill for establishment of Senior Citizens' Care Homes, their registration and fixing minimum standards besides provisions for a regulatory authority to monitor their functioning. The Committee further note and appreciate the efforts of the Ministry for incorporating suitable modifications in the definition of widely used terms like 'children', 'maintenance', 'parent', 'relative' and 'welfare', thus enhancing the scope and ambit of the Principal Act and making it more relevant in the current realities of our society.

The Committee note that the Amendment Bill has broadened the definition of 'children' so that senior citizens and parents may be maintained by their son, daughter (whether biological, adoptive or step), son-in-law, daughter-in-law, grandson, grand-daughter and legal guardian of minor children. The Committee deem it to be a significant measure as maintenance may now be claimed from all admissible relatives/legal heirs of parents and senior citizens. Further, the above change in the definition of 'children' has also been concomitantly reflected in the definition of 'parent' in the Amendment Bill. They also note that with the revised definition of 'relative' in the Bill, wherein minors have been included in the category of 'relative', senior citizens would now be able to claim maintenance from minors too through their legal guardians.

The Committee further note that the definition of 'welfare' in the Amendment Bill has been expanded to include provision for food, clothing, housing, safety and security, medical attendance, healthcare, treatment, recreation and other amenities necessary for physical and mental well being of parents and senior citizens which has given welfare oriented impetus to it in actual sense. It will further add heft to the Government's efforts in broad-basing welfare measures for parents and older persons while also indirectly drawing attention of the society to acknowledge and address these requirements of the elderly. It is further noteworthy that mental well-being of parents and senior citizens has been included in the definition of welfare, which was long overdue and would ensure now that the issues of mental illness among the elderly will be addressed in a better way.

Overall the Committee opine that the modified definitions in the Amendment Bill will impart a practical, holistic and broader orientation to the MWPSA Act, 2007, thus leaving no scope for any legal ambiguity.

CHAPTER-III

AMENDMENT PROVISIONS RELATED TO MAINTENANCE OF PARENTS AND SENIOR CITIZENS

Maintenance

Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, the need to have simple, inexpensive and speedy provisions to claim maintenance for parents was felt. Accordingly, major thrust area of the MWPC Act, 2007 has been to cast an obligation on the persons who inherit the property of their aged relatives to maintain such aged relatives and also contains provisions for setting of old-age homes for providing maintenance to the indigent older persons.

3.2 As per the existing provisions of MWPC Act, 2007, 'maintenance' includes provision for food, clothing, residence and medical attendance and treatment. However, as per the new definition proposed in the MWPC Amendment Bill, 2019, 'maintenance' includes provision for food, clothing, housing, safety and security, medical attendance, healthcare and treatment necessary to lead a life of dignity. Thus, the existing definition of the term 'maintenance' has been expanded to increase the purview of care and maintenance provided to parents and senior citizens under the Bill.

3.3 Clause 4 of the Bill seeks to substitute a new section for section 4 which provides for maintenance of parents and senior citizens and obligation of children and relatives to maintain them. As per this Clause, for section 4 of the principal Act, the following section has been substituted:—

"4.(1) A parent or a senior citizen who is unable to maintain himself to lead a life of dignity from his own earning, including earning from any property owned by him, and is either not maintained by his children or relatives or is neglected by them, shall be entitled to make an application for maintenance under section 5.

(2) The obligation of the children to maintain a parent extends to such needs of the parent as are necessary for him to lead a life of dignity.

(3) The obligation of a relative to maintain a childless senior citizen extends to such needs of the senior citizen as are necessary for him to lead a life of dignity

provided such relative has sufficient means to do so and is either in possession of, or shall inherit, the property of such senior citizen after his death:

Provided that where more than one relative is in possession of, or shall inherit, the property of a childless senior citizen, the obligation of such relatives shall be in proportion in which they are in possession of, or shall inherit, the property.”

3.4 The Ministry has provided the following justifications for bringing these amendments:-

- i) Provisions contained in Section 4 (1) (i) and (ii) of the existing Act have been clubbed together to provide clarity to the section.
- ii) Provisions contained in Section 4 (2) and (3) of the existing Act have been clubbed together to avoid repetition and focus on obligation of children to maintain their parent (whether senior citizen or not).
- iii) The focus here is primarily upon the obligation of relatives to maintain ‘childless’ senior citizens to lead a life of dignity.

3.5 It is clearly important for the relative to have sufficient means in order to maintain a childless senior citizen. On being asked about the definition and criteria of ‘sufficient means’, the Ministry through a written reply submitted as under:-

“The definition of ‘sufficient means’ and the criteria to arrive at the definition of ‘sufficient means’ should not be under scope of the Act and such matters are best left to be determined by the Tribunals or Courts as per their discretion in given situation and on case to case basis. If it has to be defined it could be worded as “Income sufficient to cover food, shelter and healthcare.”

3.6 The Committee further enquired whether the definition of "sufficient means" has been linked with the cost of living. The Ministry submitted the following in their written reply:-

“Again this cannot be stipulated in the Act. Moreover, it cannot be linked to the cost of living as many people in this country, who live below poverty line and yet provide food and shelter to their parents.”

3.7 The Maintenance and Welfare of Parents and Senior Citizens Act gave adult children the responsibility to take care of their parents. In light of India being a Welfare State, the Ministry was asked to comment on the responsibility of the Government to support/maintain such senior citizens, whose children are not earning well and are not

able to take care of the needs of their parents. The Ministry furnished the following reply:-

- i. "Both the National Policy on Older Persons, 1999 and draft National Policy for Senior Citizens 2020, promote the concept of 'Ageing in Place' or 'Ageing in own Home' wherein 'Family' has been considered as the most important supporting institution for the senior citizens.
- ii. Even though we have a Welfare State, the families also owe responsibility towards their family members and if the parents took care of their children, there is no question of increasing the burden on children if they are not earning well and it has to be their primary responsibility for maintaining their parents.
- iii. However, the State can/does chip in providing welfare measures some of which are already in existence such as Old Age Pension or medical facilities or Senior Citizen Care Homes for residential facility or Multi-Service Day Care Centre for day care facilities for senior citizens, etc.
- iv. There appears no reason to absolve the children of their responsibility or to treat taking care of their parents as a burden, on the plea of not earning well and then the question would arise 'what is earning well'."

Application Process and Procedure for Maintenance

3.8 As per existing provisions of the MWPSA Act, 2007, an application for maintenance under Section 4, may be made-

- (a) by a senior citizen or a parent, as the case may be; or
- (b) if he is incapable, by any other person or organization authorized by him; or
- (c) the Tribunal may take cognizance *suo motu*.

Explanation-For the purposes of this section "organization" means any voluntary association registered under the Societies Registration Act, 1860, or any other law for the time being in force.

3.9 Now, Clause 5 of the Bill seeks to amend section 5 to expand the mode of filing application before the Tribunal for maintenance. In section 5 of the principal Act, for sub-sections (1) to (5), the following sub-sections have been substituted:—

"(1) An application for maintenance under section 4 may be made to the Tribunal in person or by registered post or online or by any other means, by—

(a) a parent or senior citizen, as the case may be, against one or more children as defined in clause (a) of section 2; or

(b) a childless senior citizen, against one or more relatives as defined in clause (g) of section 2, and if such parent or senior citizen is incapable so to do, he may authorise any other person or organisation to make such application on his behalf or the Tribunal may also take suo motu cognizance of such matter.

(2) On receipt of an application for maintenance under sub-section (1), the Tribunal may, after giving notice of the application to the children or relative, as the case may be, and after giving the parties an opportunity of being heard, hold an inquiry for determining the maintenance in accordance with the provisions of section 6.

(3) During the pendency of the proceeding for maintenance, the Tribunal may, by order, direct the children or relative to pay such monthly allowance towards the interim maintenance of such parent or senior citizen, as may be determined by it from time to time.

(4) Every application under sub-section (1) shall be disposed of by the Tribunal within a period of ninety days from the date of receipt of such application:

Provided that in case of senior citizens who are eighty years or above, such application shall be disposed of within a period of sixty days:

Provided further that in exceptional circumstances and for reasons to be recorded in writing, the Tribunal may extend such period only once for a maximum period of thirty days.

(5) Where an application under sub-section (1) is filed against one or more children or relatives, such children or relative may implead any other person who is liable to maintain the parent or senior citizen, as the case may be."

3.10 The Ministry submitted the following explanation for amending the provision related to filing of application for maintenance by the senior citizens or parents:-

"Means of submission of application for maintenance has been expanded to ease the process of filing application on the part of parents or senior citizens."

3.11 The Ministry has also submitted that amendments in the relevant clause have been carried out to consider maintenance of childless senior citizens by relatives.

3.12 When asked whether the word 'online' should be defined unambiguously and online applications may also include applications received by email /website of the Department concerned and through Whatsapp of the Maintenance Tribunal, the Ministry in their written reply submitted as under:-

"Online submission' of application means submission of application on the concerned State Social Justice/Welfare Department's official website/portal for this purpose. This does not include whatsapp or similar social networking forums. Definition of 'online submission' would be provided in the Model Rules, to be framed after the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill becomes an Act."

3.13 Further the Committee desired to know whether the term 'any other means' include any other person or organisation authorised by the applicant, the Ministry replied as under:-

"Any other means' includes any person or a Non-Governmental Organisation, whom the needy parent or senior citizens authorises. The detailing would be provided in the Model Rules, to be framed after the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill becomes an Act."

3.14 Maintenance Tribunals are the main adjudicating authority in maintenance matters of parents and senior citizens under the MWPSA Act, 2007. As per Clause 7 of the Amendment Bill, Section 7 now stipulates that:-

"The State Government shall within a period of six months from the date of the commencement of this Act, by notification in Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification, for the purpose of adjudicating and deciding upon the application filed under section 5."

3.15 Elaborating on the existing system of working of Maintenance Tribunals, the representative of the Ministry during the course of evidence had submitted that:

"Tribunal does not mean that it is Court. It is the Sub-Collector or Sub-Divisional Magistrate who is a tribunal, and he can hear and dispose of all the cases. Similarly, the appeal tribunals are at the level of Joint Collector. This is the system"

3.16 When asked about the State-wise details of Tribunals set-up under the Act, the Ministry furnished the following information:-

“As reported by State Governments/UTs, Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 have been set up in each sub-Division and District. Details are given below:-

S.No.	Name of State/UT	Date of Notification of Maintenance Tribunal
1.	Andhra Pradesh	19.08.2008
2.	Bihar	09.11.2011
3.	Chhattisgarh	24.01.2009
4.	Goa	24.09.2009
5.	Gujarat	19.05.2009
6.	Haryana	23-11-2010
7.	Himachal Pradesh	The State has its own Act
8.	Jammu & Kashmir	Act not applicable
9.	Jharkhand	14.02.2009
10.	Karnataka	19.02.2009
11.	Kerala	17.08.2009
12.	Madhya Pradesh	02.07.2009
13.	Maharashtra	04.05.2010
14.	Odisha	01.10.2009
15.	Punjab	27.08.2008
16.	Rajasthan	19.09.2008
17.	Tamil Nadu	31.12.2009
18.	Telangana	19.08.2008
19.	Uttar Pradesh	20-10-2014
20.	Uttarakhand	07.08.2012
21.	West Bengal	20.01.2009
22.	Meghalaya	08.05.2014
23.	Sikkim	18-12-2011
24.	Tripura	15.08.2008
25.	Assam	02.08.2008
26.	Manipur	06.07.2012
27.	Mizoram	01.12.2014
28.	Nagaland	07.02.2014
29.	Arunachal Pradesh	19.06.2012
30.	Andaman & Nicobar Island	04.03.2010
31.	Chandigarh	22.12.2008
32.	Dadra & Nagar Haveli	07.04.2010
33.	Daman & Diu	07.04.2010
34.	Delhi	01.10.2009

35.	Lakshadweep	16.03.2015
36.	Puducherry	27.10.2011

3.17 As per the Ministry, an Evaluation Study has been done on the functioning and effectiveness of the MWPSA Act, 2007 at the grassroot level by National Productivity Council, New Delhi. As per the Report submitted by the Council, out of the total settled cases, which comes around 44.28%, 35.48% petitioners were getting allowances on time as per the Order of the Tribunals. There were few cases where children/relatives approached the High Court, which has put a stay on the allowance.

3.18 When asked to furnish State-wise data on the number of cases filed by senior citizens or parents for maintenance since inception of the Act, the Ministry submitted as under:-

(As on 31.12.2019):

Sl. No	State / UT	No. of cases brought forward	No. of Cases filed	No. of Cases Disposed	No. of cases Pending
1.	Andhra Pradesh	317	1104	1089	463
2.	Karnataka	113	1119	972	260
3.	Kerala		6537	2912	3625
4.	Odisha	88	168	117	139
5.	Punjab	976	455	414	1017
6.	Sikkim		-Nil-		
7.	Tamil Nadu		2865	2096	769
8.	West Bengal	361	406	408	359
UNION TERRITORIES:					
9.	Chandigarh	262	50	150	163
10.	Daman & Diu		-Nil-		
11.	Delhi (N-East)	12	32	34	10
12.	Puducherry	0	77	57	20

Number of cases filed, disposed off and pending at the Appellate Tribunals:

Sl. No	State / UT	No. of cases brought forward	No. of Cases filed	No. of Cases Disposed	No. of cases Pending
1.	Andhra Pradesh	16	24	18	17
2.	Karnataka	0	89	60	29
3.	Punjab	299	212	196	315
4.	Sikkim		-Nil-		
5.	West Bengal	20	38	26	32
UNION TERRITORIES:					
6.	Chandigarh	24	31	12	43

7.	Daman & Diu				-Nil-
8.	Delhi	0	02	01	01
9.	Puducherry	0	05	02	03

3.19 When asked to consider setting up of exclusive Tribunals to deal with the cases filled under the Act, the Ministry submitted that it may not be feasible for the following reasons:

- i) "It would require additional establishment cost to the State Governments.
- ii) It would create extra financial burden on the exchequer of the States for manpower, infrastructure and maintenance etc,
- iii) It would be against the policy of the Government of India, where Tribunals are being merged to lessen the burden on the exchequer and to reduce the burden of the Tribunals,
- iv) Tribunals under the Act will have to deal with the Societal problem related cases instead of judicial in nature,
- v) Having regard to low number of cases in each Tribunal under the Act, exclusive Tribunals may not be required."

3.20 Timely disposition of the application for maintenance by parents and senior citizens is of paramount importance as they do not have alternative sources of livelihood in most of the situations. As per existing provisions of the MWPSA Act, 2007, an application filed under section 5(2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person. It has also been provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

3.21 Now, the Amendment Bill has stipulated that:-

"Every application under sub-section (1) shall be disposed of by the Tribunal within a period of ninety days from the date of receipt of such application.

Provided that in case of senior citizens who are eighty years or above, such application shall be disposed of within a period of sixty days:

Provided further that in exceptional circumstances and for reasons to be recorded in writing, the Tribunal may extend such period only once for a maximum period of thirty days."

3.22 The Ministry has adduced the following justification for introducing changes in the disposal process:-

“The provision for disposal of maintenance application in the existing Act i.e. ‘within ninety days from date of service of notice of the application’ has been changed to ‘within ninety days from date of receipt of application’ to expedite the process of disposing of the cases filed in the Tribunals and for providing early relief to the needy applicants. Further, time period for disposal of application of applicants above 80 years has been reduced. The time period has been fixed for disposal of such applications within 60 days in order to provide speedy relief to the ‘oldest old’.”

3.23 On the suggestion that the Tribunals need to fix particular days in a week based on the cases received under MWPSA Act to ensure speedy disposal of maintenance applications, the Ministry through a written reply submitted that:-

“In the Model Rules, it may be mentioned that every State Government/UT Administration needs to specify specific days of the week for hearing cases relating to this Act.”

3.24 The MWPSA Act, 2007 provides that the Tribunal before hearing an application under section 5, may refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect. It has been explained that - For the purposes of this sub-section “Conciliation Officer” means any person or representative of an organization referred to in Explanation to sub-section (1) of section 5 or the Maintenance Officers designated by the State Government under sub-section (1) of section 18 or any other person nominated by the Tribunal for this purpose.

3.25 The role of the Conciliation Officer has been further streamlined in Section 6(6) as per Clause 6 of the Amendment Bill:-

“The Tribunal may, for assisting and persuading the parties to arrive at amicable settlement, refer the proceedings under section 5 to a Conciliation Officer, nominated by the Tribunal in such manner as may be prescribed, and such Conciliation Officer shall submit his findings within fifteen days from the date of his nomination and in case of any amicable settlement, the Tribunal shall pass an order to that effect.”

3.26 On this issue the Ministry has made the following submission:-

“In order to reduce the burden on Tribunals to hear and settle down cases, role of Conciliation Officer has been strengthened/ expanded. Further, to hasten the settlement of cases, the time period of submission of report by the Conciliation Officer has been reduced.”

3.27 On the suggestion that there should be a panel of conciliation officers for empanelment in Tribunal and there should be multi-member Tribunals including either a retired Session Judge or a member of the District Legal Service Authority for better understanding of the problems of aged people, both legally and socially, the Ministry submitted as under:-

“The District Social Welfare Officer is already designated as Conciliation Officer. The mandate of Constitution of Tribunal lies with the State Government as per the respective Rules framed by them.”

Order for Maintenance including Appeal and Maintenance Officer

3.28 The provisions related to Order for maintenance under the existing Act as enumerated in Section 9 are as follows:-

- (1) If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.
- (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.

3.29 As per Clause 9 of the Amendment Bill, for section 9 of the principal Act, the following section has been substituted:—

- "9. (1) The Tribunal may, on being satisfied of the neglect or refusal on part of the children or the relative, as the case may be, to maintain a parent or senior citizen who is unable to maintain himself to lead a life of dignity, pass an order for maintenance directing such children or relative to provide such monthly allowance, other resources and care for the maintenance of the parent or senior citizen, as it may, from time to

time, determine.

(2) While determining the maintenance, the Tribunal may take into consideration the standard of living of the parent or senior citizen and the earnings of such parent or senior citizen and of the children or relative.

(3) The order for maintenance shall be enforceable from the date of such order or, if so ordered by the Tribunal, from the date of the application.

(4) A copy of the order for maintenance shall be—
(i) made available free of cost to the parent or senior citizen, as the case may be;
(ii) posted on the Notice Board of the Tribunal;
(iii) made available online on the website of the concerned Department of the State; and (iv) provided to the Maintenance Officer.

(5) Where an order for maintenance is made against more than one person, the death of one of them shall not affect the liability of the others to continue providing the maintenance."

3.30 As per the Ministry, the removal of ceiling of ₹ 10,000 as maximum maintenance amount to be awarded to parents/senior citizens will ensure that it is fixed according to the needs of parent/senior citizens and capability of children/legal heirs to pay the maintenance allowance based on their earnings/income. This will help parent/senior citizens to lead a life of dignity which is commensurate with their normal standard of living.

3.31 When asked to consider revising the maintenance allowance after 3 or 5 years or specific intervals instead of determining from time to time in proposed Clause 9, which is open ended, the Ministry submitted as under:-

"The intention behind not specifying a fixed interval of time to review the Maintenance Order for monthly allowances is, that a Maintenance Order may be revised only on receiving request from either of the parties involved in a case. For instance this review could be to cater to the possibility that parents/senior citizen may need more allowance to meet their medical or other expenses that have come up over the years or in case of demise of one of the parent, children/relative may like to reduce the allowance amount paid so far as per the Order of the Tribunal etc.

3.32 As per the Ministry, Section 9(4) pertaining to the copy of the order for maintenance has been added so that the society will know about the power of the Tribunal and to create a social pressure on children/relatives/legal heirs to look after

their parents/senior citizens and also for awareness generation of the provisions of the Act.

3.33 On being asked as to why a copy of the Maintenance Order given by the Tribunal cannot be furnished free of cost to the Children or relative of the parent or senior citizen also, the Ministry through a written reply submitted that:-

“At Section 16(7) of the Amendment Bill, it is clearly mentioned that the copy of the Order of the Appellate Tribunal shall be provided free of cost to both the parties. However, the same is not mentioned in case of Maintenance Order because the objective is to let the children/relative receive the Order of the Maintenance Tribunals through the Maintenance Officer, who would ensure the execution of the Order. A copy of the Maintenance Order shall be provided free of cost to the children/relative, by the Maintenance Officer who is the one single contact point (as per Section 18 of the Amendment Bill) for the parents and the children/relative. This position would be indicated clearly in the Model Rules.”

3.34 When asked to elaborate on the jurisdiction of the Courts on matters concerning maintenance of senior citizens and parents, the Ministry, in a written reply, submitted as follows:-

“Section 10(2) of the Amendment Bill has been retained, without any modification, from the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This provision indicates that decision of Tribunal shall consider judgments given by other Courts on the same issue, before pronouncing its own judgment on a matter. The Civil Courts have jurisdiction in the maintenance matters of the senior citizens and parents as per Constitutional provisions.”

3.35 Clause 11 of the Bill seeks to amend section 11 to provide for the enforcement of order of maintenance. As per the Ministry, this sub-section has been incorporated to make sure that maintenance amount is paid to parent/senior citizens, failing which children/relative may face punitive action. The following new sub-sections related to enforcement of maintenance order have been incorporated in the Amendment Bill:-

11(3): “If the children or relative against whom an order for maintenance is passed under section 9 fails to comply with such order without sufficient

cause, the Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application is made by the parent or the senior citizen to the Tribunal to levy such amount.

11(4) : If the children or relatives, as the case may be, fails to pay the fine levied under sub-section (3), the Tribunal may sentence him to imprisonment for a term which may extend to one month or until the payment is made, whichever is earlier.”

3.36 The children/relatives aggrieved against the orders of Maintenance Tribunals approach the High Courts under the writ jurisdiction and get either a stay or the matter keeps on pending for years. By the time the final judgement is delivered, no parent/senior citizen are likely to be alive. Hence the Maintenance Tribunal orders, which are the main tools for helping the parents/senior citizens are not able to serve the purpose. In this connection, the Committee had received a suggestion that a new Section may be incorporated in the Bill to fast track disposal of cases under the Act by the High Courts. When asked to furnish their comments on the above suggestion, the Ministry submitted as under:-

“In section 16 of the MWPSA (A) Bill, 2019, the provision of appeal has been extended to children or relatives, aggrieved with the order of the Maintenance Tribunal, provided that on appeal, the children or relative continue to pay the maintenance allowance as directed in the Maintenance Order. This new provision will not only provide an equal ground to children or relative but will also help parents/senior citizens get their monthly maintenance allowance for a dignified living.”

3.37 The Committee observe that while the MWPSA Act, 2007 applies to citizens of India outside India, the Amendment Bill does not specifically mention the procedure and enforcement of maintenance orders when either the parent or the child resides outside the territorial jurisdiction of the country. The Ministry has furnished the following clarification on the above issue:-

“Section 6(5) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for serving of summons to respondents ie., children or relatives, staying abroad through an authority notified by the Central Government. It is through a Gazette Notification [No. Part II-Section 3-Sub-section (ii), Extraordinary, Dated 22.06.2011] that the Central Government appointed Director (Social Defence) in the Ministry of Social Justice and

Empowerment, New Delhi, to act as a nodal authority through whom summons shall be served by the Tribunals to the children or relative of parents or senior citizens who are residing outside India. However, there remained some official hassles with Ministry of Law and Justice in this regard which gradually got sorted out.”

3.38 In this context, the Committee desired to know the details of such maintenance cases, wherein either the children or the parents resided abroad. In their reply the Ministry submitted as under:-

The Tribunals, constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, issue summons directly to children/relatives staying abroad to deal with cases of monthly maintenance allowance claimed by their parents/senior citizens and no such data is maintained in this Department. However, in a few cases, the Tribunals send such summons to this Department for serving abroad for selected countries, which are then forwarded to the respondents through Ministry of Law and Justice. Details of such cases during 2015 -2020, is given below:

States	Years				
	2015-16	2016-17	2017-18	2018-19	2019-20
Kerala	0	03	11	05	08
UP	0	0	01	0	0
Punjab	0	0	01	0	0
Gujarat	0	0	0	01	0
Total	0	03	13	06	08

3.39 Clause 14 of the Bill seeks to amend section 16 to enable the children or relatives of parent or senior citizens to file appeal against the order of the Tribunal, as follows:-

“Any senior citizen or a parent or any of the children or relative, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance Order shall continue to pay to such parent **or senior citizen** the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.”

3.40 The Ministry has furnished the following justification for extending the right of appeal to the children/ relative of the senior citizens:-

By extending the provision of Appeal to children/relatives, the Amended Act will provide an equal ground to children/relatives who are aggrieved by the order of Maintenance Tribunal. However, as per the principle of natural justice, children/relatives have to continue to pay to parent or senior citizen, the maintenance allowance as ordered by the Maintenance Tribunal. This provision has been extended to children/relatives, especially in view of various Court directions in this regard.

3.41 Maintenance Officer is an important functionary for effective implementation of the maintenance orders passed under Section 9 of the Act. Clause 15 of the Amendment Bill has further streamlined the role and functioning of the Maintenance Officer by *inter-alia* adding sub-sections (3) and (4). Section 8 now reads as:-

- (1) “The State Government shall designate an officer in the rank of District Social Welfare Officer or an officer of equivalent rank from any related Department of the State or the Block level Officer or the Tehsildar as Maintenance Officer for the purposes of this Act.
- (2) The Maintenance Officer referred to in sub-section (1) may represent a parent or a senior citizen, if he so desires, during the proceedings of the Tribunal, as the case may be.
- (3) It shall be the duty of the Maintenance Officer to ensure that the order for maintenance passed under section 9 is complied with, and in case of its non-compliance, he may take such steps as may be necessary for the compliance of such order.
- (4) The Maintenance Officer shall be a point of contact for the parent or senior citizen to liaison and coordinate with them.”

3.42 As per the Ministry, expansion of the role of Maintenance Officer will simplify the whole process, from filling of application for maintenance to implementation of the order of the Tribunal, for parents/senior citizens as they will get single-point guidance on the issue.

3.43 As per the nomenclature of the MWPSA act, 2007, maintenance of parents and senior citizens is the major objective of this legislation. The Act has defined 'maintenance' to include provision for food, clothing, residence, medical attendance and treatment while the Amendment Bill seeks to augment this definition to include safety and security, healthcare and life of dignity. By doing so, the Ministry has arrived at a holistic interpretation of maintenance as the words 'necessary to lead a life of dignity' have added the requisite meaning to the definition. 'Life of dignity' encapsulates everything that is vital for the elderly to live a secure, vibrant and steady life. Otherwise, maintenance cannot be quantified because it varies from case to case basis. Every maintenance case shall now have to ensure a life of dignity, which is of paramount importance for any senior citizen. Similar provisions related to the inability of a parent or a senior citizen to maintain himself to lead a life of dignity and commensurate obligation of the children or a relative to maintain them so as to enable them to live a life of dignity have been incorporated in Section 4 by the Amendment Bill. The Committee would like to commend the Ministry for this amendment to enlarge the scope of the overall welfare of parents and senior citizens upon enactment.

3.44 The Committee appreciate that the Amendment Bill has amended Section 5 for providing the filing of application for maintenance by registered post or online or by any other means, thereby enlarging the avenues for parents and senior citizens desirous of seeking maintenance. Previously, the only mode available for them to file application was either in person or through any other

person/organization. Senior citizens are often incapable of filing physical applications and due to problems of mobility, are not in a position to approach the concerned organizations working in the field for filing their applications. Many of them thus, are forced to lead lives of indignity, abuse and want due to the above limitations in filing application. Therefore, the Committee are hopeful that more parents and senior citizens will now take legal recourse once the process of filing application gets considerably simplified by the Amendment Bill. Besides, filing of 'online' applications is more in tune with the current times. The Committee feel that it is now, imperative that the Rules of the Act should clearly and unambiguously define the word 'online' so that the parents and senior citizens have clarity about the methods of filing their maintenance applications in future. Also in order to ensure uniformity of format of applications as well as the future needs to track their progress, the Committee recommend that under proposed Subsection 1 of Section 5 , after (a) and (b), another Clause (c) may be added as under:

“For the purpose of filing on-line application complete in all details, a uniform format and checklist may be developed in a dedicated common portal, alongwith a facility to track the progress of the application. Uniform guidelines for the same shall be provided by the Central Government.” In view of the Committee, since legal practitioners are not to be hired by the claimants, it is imperative that the process of filing application as well as tracking its progress is made easier and transparent for the aged persons. Also they should be able to apply without any physical and mental strain and with just a single-point guidance.

3.45 The Committee note that the Maintenance Tribunals are the main adjudicating authority in maintenance matters of parents and senior citizens under the MWPSC Act, 2007. The responsibility of constituting such Tribunals for each Sub-Division within a period of six months from the date of commencement of the Act was cast upon the State Governments. However, the Committee are perturbed to note that States like Uttar Pradesh, Meghalaya, Mizoram and Nagaland have notified the Maintenance Tribunals in 2014 i.e., seven years after the commencement of this Act. Hence, it is obvious that Maintenance Tribunals were not accorded due priority by some of the State Governments despite the fact that these Tribunals have not been constituted as separate Courts, but only with the officers like Sub-Collector or Sub-Divisional Magistrate. While the Ministry has again taken the stand that it may not be feasible to consider setting up of exclusive Tribunals for maintenance, the Committee are of the considered opinion that there is a crying need to augment infrastructure of these Tribunals for improving their efficacy for addressing the distress of parents and senior citizens. Therefore, the Committee recommend that provision of sufficient manpower, training and infrastructure by the State Governments for setting up these Tribunals for time-bound disposal of maintenance applications needs to be ensured. The Committee also recommend that in the Rules of the Act, at least two days in a week should be earmarked exclusively for disposal of maintenance cases by the officers concerned. The Committee further recommend that Tribunals need to work now in a digital environment to keep pace with the future,

hence those need to be fully computerized to deal with on-line applications and track those for follow-up action.

The Committee are glad to note that maintenance procedure in the Bill has been further streamlined for the disposal of maintenance application 'within ninety days of the receipt' of such application, as against the earlier provision for its disposal within 'ninety days of the date of service of notice'. Now, it can be expected that the applications would be disposed-off at a faster rate, saving the time used to be taken up in serving the notice and cutting the delay. The Committee are relieved that this noteworthy amendment will expedite the maintenance process to provide an early relief to the needy senior citizens and parents which is of paramount importance, if this legislation is to achieve its objectives.

Similarly, the Committee welcome the special provision in the Amendment Bill for expeditious disposal within sixty days, in case of those senior citizens, who are aged eighty years or above, as such a provision was long awaited. The Committee further opine that the proviso related to extension of such period by a maximum period of thirty days in exceptional circumstances should not apply in case of the applications of senior citizens, who are eighty years or above, as they belong to the most vulnerable group whose requirement of maintenance could be extremely urgent and pressing and it would be inhuman to subject them to the vagaries of administrative/legal delays.

3.46 The Committee note that the MWPSC Act, 2007 provides for a ‘Conciliation Officer’ to whom an application may be referred by the Tribunal before hearing it and such Conciliation Officer has to submit the findings within one month. The explanation to this Section further provides for the persons who can function as the Conciliation Officer. Now, the Amendment Bill clearly delineates the role of Conciliation Officer to assist and persuade the parties to arrive at an amicable solution. Further, the findings of the Conciliation Officer shall have to be submitted within fifteen days as against provision of thirty days in the Principal Act. The Committee welcome these amendments as they opine that the role and purpose of the Conciliation Officer had lacked clarity in the Principal Act. The Committee further desire that the explanation to this sub-section as given in the Principal Act should be retained to maintain sufficient clarity on the class of people who can act as Conciliation Officer. The Committee can perceive that with the ability to act as a mediator, the role of Conciliation Officer is likely to become more significant for timely settlement of maintenance cases in future because maintenance matters, unlike other long- standing civil disputes, are amenable to honest mediation. Therefore, it is important to sufficiently empower the Conciliation Officer and to properly delineate upon their role and functioning in the Rules of the Act. At the same time, there is a need to create a willingness among eligible officers to motivate them for such a task hence the Committee recommend that in the revised Section 6, Subsection 6, instead of ‘shall’, ‘may’ should be added in the first line, and after the word ‘effect’, the following line is

added: *“The Conciliation Officer shall be paid honorarium for his services, as per the guidelines prescribed by the State Government.”*

3.47 The Committee note that Section 9 of the MWPSA Act, 2009 has been substituted to *inter-alia* provide that the Tribunal on being satisfied of the neglect or refusal on part of the children or the relative to maintain a parent or senior citizen, who is unable to maintain himself to lead a life of dignity, pass an order for maintenance directing such children or relative to provide such monthly allowance, other resources and care for their maintenance, thereby removing the maximum restricted limit of ₹ 10,000 per month for maintenance as prescribed in the Principal Act. Further, ‘maintenance’ as per the definition in the Amendment Bill now includes ‘life of dignity’ and this has been explicitly mentioned in the enabling provision itself. The Principal Act had restricted the maintenance relief per month to an amount not exceeding ₹ 10,000. Now, the order for maintenance may also direct to provide other resources and care for the maintenance, besides the monthly allowance. The Committee are happy that the Government has finally acknowledged that maintenance includes more than a mere sum of money. The concept of maintenance has been rendered complete and holistic now, by the above amendment. Another noteworthy aspect of the amendment is that the Tribunal may now take into consideration the standard of living and earning of the parent/senior citizens or of the children or relative, while determining the maintenance.

The Committee also welcome the substitution of another important subsection in Section 9 pertaining to the publicity of the Maintenance Order. The

Committee are convinced that the pasting of this order on the Notice Board of the Tribunal and its availability on the website of the concerned Department will encourage other harassed parents/senior citizens to seek legal redress of their grievances. Fearing social disgrace, it could also act as a deterrent for children and relatives to properly attend to the needs of the older persons in their respective families.

3.48 The Committee are happy to note that two sub-sections in Section 11 pertaining to strict enforcement of the maintenance order have been added. Prior to this, the Tribunals had no real teeth to ensure due compliance of orders issued by them. Now, the Tribunal may first issue a warrant for levying the amount due and if the children or relatives fail to pay the fine levied, the Tribunal may sentence them to imprisonment for a term, which may extend to one month or until the payment is made. The Committee are of the considered view that these punitive measures will act as deterrent to the potential defaulters as well as elevate the status of Maintenance Tribunals. The Committee desire that suitable details pertaining to the actual implementation of above provisions should be incorporated in the Rules of the Act.

3.49 The Committee note that the Amendment Bill now provides for Right to Appeal also against the order of the Tribunal for the children/relatives of the senior citizens. Accordingly, amendments have been made in Section 16 of the principal Act. The Committee understand that by extending the provision of appeal to children/relatives who are aggrieved by the order of Maintenance Tribunal, an equal opportunity has been provided to them. The Committee deem

it to be a measure long overdue which finally brings parity to the two parties in terms of Right to Appeal to the Appellate Tribunal and satisfies the law of natural justice.

3.50 The Committee note that the role and functioning of the Maintenance Officer has been further streamlined and enlarged in the Amendment Bill, thus making him an important functionary. The pool of officers who can be designated as Maintenance Officer has been widened to include equivalent officers from any related Department of the State or the Block Level Officer or the Tehsildar. The Committee are hopeful that it will ensure wider pool of suitable and motivated officers to be designated as Maintenance Officer. Now, the role of the Maintenance Officer is no more confined to merely representing the senior citizens during the proceedings of the Tribunal but also adding the task of ensuring that the maintenance order is complied with. Hence he will also act as a point of contact for parents to liaison and coordinate with their wards/relatives. In order to ensure that the designated Maintenance Officers are competent and sensitive to the needs of the elderly, the Committee desire that suitable provisions pertaining to training and sensitization of the Maintenance Officers are made in the Rules. It also needs to be ensured that they pay regular visits to the homes of the senior citizens to ensure due compliance of the maintenance order. The Committee recommend that after sub-section 4 of Section 18, the following sub-section shall be inserted, *“The Maintenance Officer shall submit an annual compliance report pertaining to the maintenance order to the Tribunal.”*

CHAPTER-IV

INSTITUTIONAL CARE HOMES, MULTI SERVICE DAY CARE CENTRES AND HEALTH CARE FOR SENIOR CITIZENS

Specialized institutions for the care of senior citizens play a very important role for healthy ageing in modern society. In our country's traditional set-up, the family was primarily responsible for taking care of the elderly and it had been reinforced by the prevailing social mores. Economic development and modernization has ushered social changes where family as a unit is no more sufficiently responsive towards the special needs for taking care of the elderly. World over, the need for having dedicated care givers and specialized institutions for the elderly have been acknowledged. Keeping these facts in mind, the MWPSA Act, 2007 made provisions for setting up of old age homes in every district for providing maintenance to the indigent older persons. Section 19 of the principal Act states:-

- (1) The State Government may establish and maintain such number of old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.
- (2) The State Government may, prescribe a scheme for management of old age homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.
Explanation-For the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself.

4.2 The Committee desired to be furnished with the State-wise data on the districts in which such old age homes have been established, which the Ministry in their written reply, submitted as under:-

"Number of Senior Citizens Homes and Continuous Care Homes and Home for Senior Citizen afflicted with Dementia, supported under Integrated Programme for Senior Citizens (GOI) during the FY 2018-19 is given below (State-wise):

Sl.No.	Name of States	Senior Citizen Homes		
		Senior Citizen Homes(Sr.CHS)	Sr.CH for 50 elderly women	Continuous care homes and home for Sr.Citizen afflicted with Dementia
1.	Andhra Pradesh	75	01	-
2.	Assam	30	05	01
3.	Bihar	02	-	-
4.	Chhattisgarh	01	-	-
5.	Delhi	02	-	-
6.	Gujarat	13	-	-
7.	Haryana	17	-	-
8.	Himachal Pradesh	02	-	-
9.	Karnataka	36	05	01
10.	Kerala	05	-	-
11.	Madhya Pradesh	15	01	-
12.	Manipur	34	01	-
13.	Maharashtra	43	14	09
14.	Nagaland	02	-	-
15.	Odisha	70	10	-
16.	Punjab	03	-	-
17.	Puducherry	02	-	-
18.	Rajasthan	09	01	-
19.	Tamil Nadu	59	03	01
20.	Telangana	19	-	-
21.	Tripura	04	-	-
22.	Uttar Pradesh	15	-	01
23.	Uttarakhand	03	01	-
24.	West Bengal	21	-	-
25.	Arunachal Pradesh	01	01	-
Total		482	43	13

4.3 On being asked by the Committee about the details of the States which have not established even a single old age home and the remedial steps taken by the Ministry for the same, the Ministry stated that as per its records, Old Age Homes/Senior Citizen Homes are being functional in every State and Union Territory, excepting Dadra and Nagar Haveli and Lakshadweep, which are very small UTs with very less population. Further, as informed by appropriate authority, Lakshadweep follows matriarchal Joint Family System whereby both males and females are equally responsible in taking care of their parents/senior citizens.

4.4 The representative of the Ministry of Social Justice and Empowerment made the following submission while apprising the Committee about the status of old age homes in the country:

“मैडम अभी तक ५०० वृद्धाश्रम खुले हैं। इनकी डिस्ट्रिक्ट वाइज लिस्ट है। कई डिस्ट्रिक्ट्स में २-३ वृद्धाश्रमों से भी ज्यादा है। कई डिस्ट्रिक्ट्स ऐसे भी हैं, जहाँ वृद्धाश्रम नहीं हैं।”

4.5 Details of the Senior Citizen Care Homes/Old Age Homes as collected by the Ministry from State Governments during 2019 are given in **Annexure-IV**.

4.6 On being asked whether any guidelines/directions have been issued to the State Governments for the establishment of old age homes as per the provisions of the Act, the Ministry through a written reply submitted that :-

- a) “As per Section 19(1) of the MWPSA Act, 2007, State Governments shall establish Old Age Homes at accessible places as it may deem necessary, beginning with at least one in each district.
- b) Recently, Hon’ble Supreme Court in the matter of Dr.Ashwini Kumar vs UOI and Others has directed the State Governments to set up Old Age Homes in each district, as per with the provisions of MWPSA Act.
- c) The Government of India also extends financial assistance for running and maintenance of OAHs in 446 districts at present under its scheme and should be able to cover all districts by 2022-23 under its Scheme with the cooperation of the State Governments.
- d) The State Governments are expected to implement the Act and require no separate directions for this.”

4.7 Further elaborating on the efforts made by the Ministry for establishment of old age homes, the representative of the Ministry of Social Justice and Empowerment during the course of evidence informed the Committee that:

“हमारा लक्ष्य है की हर एक जिले मे कम से कम एक ओल्ड ऐज होम रहना चाहिए। कोर्ट की तरफ से भी ऐसा आर्डर है। जिन जिलों मे यह नहीं है, हम वहां ओल्ड ऐज होम सेट अप करेंगे। कोर्ट ने कहा है कि एक ओल्ड ऐज होम मे १५० लोगो के रहने की व्यवस्थां रहनी चाहिए। लेकिन हम काम से काम ५० लोगो से ही शुरू करेंगे।“

4.8 The long line of the Act has been expanded in the Amendment Bill to provide for not only maintenance and welfare of parents and senior citizens but also for the establishment, management and regulation of institutions for senior citizens and services.

4.9 Further, Clause 17 of the Amendment Bill seeks to substitute Section 19 with a new Section *inter-alia* to provide that the Government or an organization may establish or maintain Senior Citizens' Care Homes for providing residential facilities for the care of Senior Citizens or Multi-Service Day Care Centre for senior citizens for providing day care facilities for senior citizens. It may be seen that the Principal Act in Section 19(1) states that the State Government may establish and maintain such number old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizen who are indigent.

4.10 The Ministry has submitted the following justification for introducing changes in Section 19(1):-

“Unlike only State Governments (as given in the MWPSA Act, 2007), this new provision expands to include Central Government, Private bodies Trusts, Voluntary Organizations etc. to establish or maintain Senior Citizens Care Homes/Multi-service Day Care Centres for benefit of senior citizens.”

4.11 When asked about the differences in the model, structure, working and framework of 'Old Age Homes' and 'Senior Citizens Care Homes', other than the nomenclature, the Ministry in its written reply submitted as under:-

“With an intention to attach dignity to people above the age of 60 years, the hitherto used nomenclatures such as “older persons” and “old age homes” were changed to “senior citizens” and “senior citizens care homes” respectively. There is no other difference.”

4.12 When asked to clarify whether the reference in the Amendment Bill is for Central Government or the State Government, the Ministry submitted as under:-

“The proposed Bill places onus of establishment and maintenance of Senior Citizens” Care Homes on both Central and State Governments and any other organizations like Private bodies, Voluntary organizations, Trusts etc. for benefit of senior citizens.”

4.13 As per the Ministry, the number of senior citizens per Senior Citizens Care Homes shall depend upon many factors like location, demand in that location, resources of the implementing agencies, etc. The Minimum standards for establishment and maintenance of such Homes, along with other necessary matters such as food, medical facilities, staff, safety and security etc. shall be prescribed by the Central Government.

4.14 On the modalities for establishing these Senior Citizens’ Care Homes and Multi-Service Care Centres, the Ministry, through a written reply, submitted as under:-

1. “Homes for Senior Citizens Care are evolving. Plenty of them have been coming up across the country. They consist of paid or charitable or Government funded.
2. Multi Service Care Centres shall be set up under State Action Plan for Senior Citizens (SAPSrC). Government of India will provide funds to the States for running Multi Service Care Centres under National Action Plan for Senior Citizens (NAPSrC).
3. As per the provisions of Amended Act, there will be in place “well defined minimum standards” which will have to be adhered to by all Old age homes in the country. They will form the benchmark of standards which can rise but not go lower. There will be in place a regulatory body for registration, regulation and accreditation of paid and non-paid homes. Sections 19 (2), 9(3), 19(4), 19(5), 19(5), 28.A and 28.B of the proposed Bill refers.
4. All this be well defined in the Model Rules under the new Act (once the Bill is passed by both the Houses) which will be prepared by the Central Government.”

4.15 The Committee desired to know whether the services provided by these institutions will be free of cost or chargeable and the manner in which they will cater to the needs of the differently-abled senior citizens. The Ministry, in their reply, submitted as under:-

- a) "Services provided by Senior Citizen Care Homes and Multi Service Day Care Centres, are supported by Government at present, and are fully free of cost. These homes are for the indigent or the destitute senior citizens.
- b) However there could be various models adopted by the State Governments which would be specified in the Rules/Schemes framed by them to take care of low income/middle income group of people who can pay a small contribution.
- c) The Rules shall mention that services in Senior Citizens' Care Homes would be free of cost or chargeable as may be prescribed."

4.16 Clause 17 of the Bill further seeks to substitute section 19 with incorporation of the following sub-sections for setting up and management of Senior Citizens' Care Homes and Multi Service day Care Centres for Senior Citizens':-

- 19(2) "Notwithstanding anything contained in any other law for the time being in force, all such institutions established and maintained as Senior Citizens' Care Homes or as Multi-Service Day Care Centre for Senior Citizens shall be registered with the Registration Authority referred to in sub-section (3).
- (3) The State Government shall designate a Registration Authority for registration of institutions under this Act in such manner as may be prescribed.
- (4) Every institution registered under this Act shall provide necessary amenities specified under sub-section (5) and if it fails to do so, the State Government may cancel or withhold registration of such institution, after following such procedure as may be prescribed.
- (5) The Central Government shall prescribe minimum standards for establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres and for the food, infrastructure, medical facilities, recreation, staff, safety and security and such other matters as may be necessary.
- (6) The State Government shall designate such authority, as it deems fit, as the Regulatory Authority to monitor the functioning of the institutions registered under this Act through regular inspections or social audit to ensure that the Minimum Standards are adhered to."

4.17 As per the Ministry, the justifications for inserting these new sub-sections are as follows:-

- (i) “Provision for registration of Senior Citizens Care Homes (erstwhile Old Age Home) and Multi-service Day Care Centres will help in having a database of all such Homes, whether run by Government or private organizations. It will also help in compliance of the minimum quality standards laid down by the Government.
- (ii) In order to ensure availability of quality and standard care in all Senior Citizens Care Homes for its residents.
- (iii) Central Government to prescribe Minimum Standards required for establishment, running and maintenance of Senior Citizens Care Homes. This will enable senior citizens to avail quality facilities in such Homes across the country.
- (iv) The State Government, by designating Regulatory Authority to monitor the functioning of the institutions registered, under the new Act, will ensure that the Minimum Quality Standards are adhered to.”

4.18 As per the Ministry, the grants for running Old Age Homes are given directly to the NGOs by the Ministry on an average of ₹ one lakh per inmate. Details of State-wise expenditure and beneficiaries under the Integrated Programme for Senior Citizens are placed at **Annexure-V**.

4.19 Further, the Committee were informed that the Ministry conducts periodic inspections of Old Age Homes and subsequently reports on the findings are also prepared. The provision for installing CCTV cameras at Old Age Homes has also been made for real-time monitoring through their websites. The second installment of the grant is released to the NGOs only after carrying out the inspection.

4.20 On the functioning of old age homes, the representative of the Ministry during the course of evidence submitted that:-

“मैडम, अभी तक हम लोगों ने ज्यादा नहीं किए हैं। जाँच हुई है, सभी जगह स्थिति ठीक पाई गई है। मैं आपसे यह नहीं कहूँगी हर चीज शत -प्रतिशत होती है। हम लोग जितनी ग्रांट देते हैं , कई बार यह हो सकता है कि कुछ चीजें शत -प्रतिशत न हों, मगर ऐसा नहीं पाया गया है कि ऐनजीओ, ओल्ड ऐज होम या लोग है ही नहीं। मान लीजिए एक समय हम २५ के लिए फंड कर रहे हैं, हो सकता है की एक समय पर पूरे 25 न हों , 15 या 10 हो सकते हैं या उससे ज्यादा भी हो सकते हैं। साउथर्न स्टेट्स में 25 की जगह 40 भी हो जाते हैं। मगर, ऐसा नहीं है की वे नहीं हैं, वे चल रहे हैं।”

4.21 On being asked whether inspection and audit of the facilities provided by the NGOs/Voluntary Organizations by the State Governments can be made mandatory, the Ministry in its written submission stated as under:-

“Factors such as support to voluntary organisations, assessment, inspection and audit cannot be made mandatory as these vary from project to project and time to time.”

4.22 On being asked about the benchmarks to be followed by Old Age Homes, the Ministry informed that as per the provisions of the Amendment Bill there will be in place “well defined minimum standards” which will have to be adhered to by all Old age homes in the country. They will form the benchmark of standards which can rise but not go lower.

4.23 It was suggested by some stakeholders that there should be a provision for short stay homes for those Senior Citizens and Parents who are victims of elder abuse or for the duration of the cases filed for getting maintenance allowance. When asked to furnish comments on the above suggestion, the Ministry submitted as under:

- a) “Provision for designated Nodal Officer for Senior Citizens at every Police Station and Special Police Unit for senior citizens in each District have been included under section 22(2) and 22(3) of the Bill for quick hearing of cases of elder abuse.
- b) Old age homes supported by GOI and/or State Governments are in almost each district of the Country. Such persons could be accommodated there for the duration in question. Government can make such stipulation in our schemes.
- c) However, even in cases of elder abuse, institutionalization should be the last resort, more so as it would be very traumatic for senior citizens to be removed from their homes. Moreover, if an elder has been subjected to abuse, a provision can be considered to be made such as in Section 19 of the Protection of Women from Domestic Violence Act, 2005 as per which the abuser may be directed to be removed from the residence while the senior citizen may continue residing there.
- d) Even otherwise, the women senior citizens would always be able to avail of the provisions of the Protection of Women from Domestic Violence Act, 2005.”

Provisions for Healthcare of Senior Citizens

4.24 Healthcare of senior citizens is a vital issue pertaining to the elderly. Adverse health conditions become more common among persons with advanced age. Old persons have to cope with health and associated problems some of which may be chronic, terminal, of a multiple nature, requiring constant attention or carrying the risk of disability. Some health problems, especially when accompanied by impaired functional capacity, require long term management of illness at home and of nursing care. As per the MWPC Act 2007, the State Government shall ensure that-

- (i) “the Government hospitals or hospitals funded 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, terminal 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.”

4.25 Now, Clause 19 of the Amendment Bill seeks to substitute section 20 with a new Section and also add Section 20A to provide for the healthcare of senior citizens and further to make provision of homecare services for senior citizens.

4.26 Substituted Section 20 in the Amendment Bill provides that:-

“The Government shall ensure that,—

- (i) all hospitals, whether fully or partially funded by the Government or private healthcare institutions, provide beds for senior citizens as far as possible;
- (ii) separate queues are earmarked for senior citizens in all healthcare and allied institutions;
- (iii) facilities for treatment of chronic, terminal and degenerative diseases are expanded for senior citizens;
- (iv) research and development in geriatric sciences is undertaken;
- (v) facilities are earmarked for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care and other objectives and outcomes of National and State level programmes for geriatric healthcare are monitored and achieved;
- (vi) necessary measures are taken to provide barrier-free access for senior citizens in all healthcare and allied institutions.

- 4.27 As per the Ministry the justification for substituting Section 20 are as under:-
- (i) "This will ensure some number of reserved beds for ailing senior citizens in hospitals, whether run fully or partially by the Government.
 - (ii) This will help senior citizens for a hassle-free entry in healthcare institutions, including medical diagnosis/test centres.
 - (iii) This is to ensure quality healthcare services and treatment being available to senior citizens.
 - (iv) This will ensure easy and independent movement of senior citizens within healthcare institutions."

4.28 Section 20A of the Amendment Bill states that:

- (1) "The Government or an organisation may provide homecare services for such senior citizens who suffer from difficulties in performing activities of daily life due to any physical or mental impairment.
- (2) The institutions providing such homecare services shall engage trained and certified attendants or caregivers for the senior citizens as per their needs.
- (3) Institutions providing training, certification and homecare services shall be registered as service provider with the Registration Authority referred to in section (3) of section 19."

4.29 As per the Ministry, the reasons for inserting a new Section 20A for Homecare services of senior citizens are as follows:-

- (i) "This new provision has been introduced to facilitate those ailing senior citizens who need continuous physical and medical attention at home.
- (ii) Registration and Accreditation of agencies providing Homecare Services to senior citizens will enable senior citizens and their families to choose the best homecare service providing agency for their near and dear ones. This addresses the need for having quality homecare services for ailing senior citizens."

4.30 When enquired about the types of services to be provided by homecare service providers, the Ministry replied as under:

"Homecare services have been introduced in the MWPSA (Amendment) Bill, 2019 to cater to such senior citizens who suffer from difficulties in performing their daily activities or are mentally impaired. Home care services can have a very large scope – Home healthcare aides diagnostics, doctor visits, physiotherapy services, food and nutrition and food supply, Dialysis, Terminal (end of life) care, counseling and emotional support to such senior citizens."

4.31 The Committee further desired to know whether these services would be provided free of cost or some charge would be taken by the Home Care Service providers. While replying to the query of the Committee, the Ministry in their written reply submitted that:-

“Homecare services to senior citizens would be provided by trained and certified attendants from registered institutions at a cost. There will be various grades of Home Care givers and accordingly rates will be varied from State to State and from grade to grade.”

4.32 As per the Ministry, details regarding Registration of Homes and agencies providing Home Care Services, cancellation/withholding of registration, Registration Authority and Regulatory bodies for monitoring the functions of such institutions and agencies, as mentioned under Section 19 and Section 20A of the Bill would be provided in the Model Rules.

4.33 On being asked about the Bill not having the provisions to deal with the issues of depression, dementia and Alzheimer disease among older adults, the Ministry in its written reply submitted that:-

“The issue of dementia and Alzheimer’s among senior citizens has been suitably addressed in the draft National Policy for Senior Citizens 2020. There is a separate Act on the Mental Health, namely “The Mental Healthcare Act, 2017” of the Ministry of Health and Family Welfare, which defines Mental Illness as “a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence. This Department also supports projects of Continuous Care Homes and Homes for senior citizens afflicted with Alzheimer’s / Dementia, under the Scheme of Integrated Programme for Senior Citizens.”

4.34 The Committee note that the MWPSC Act, 2007 has prescribed establishment of old age homes in a phased manner, beginning with at least one in each district of the country. However, it is a matter of concern for the Committee that out of more than 700 districts in the country, in only 482 districts Senior Citizens Homes have been established so far under the Integrated Programme for Senior Citizens and there are still many districts without functional old age homes despite the thirteen years, this Act has been in existence. For thousands of childless and propertyless parents and senior citizens, Old Age Homes are the only ray of hope providing a semblance of old age security and care. The Committee sadly feel that a situation where even the bare minimum infrastructure of one old age home per district as mandated by the Act, has not been provided to the most vulnerably section of society even after thirteen years of the coming into force of this Act, is certainly uncalled for and presents a telling commentary on general lack of empathy for care and welfare of the elderly in our society.

The Committee observe that in the Amendment Bill , the nomenclature of 'Old Age Homes' has been changed to 'Senior Citizens' Care Homes' to give it a more dignified feel and that provisions for establishment of Multi-Service Day Care Centre for senior citizens for providing day care facilities have also been made now. The Ministry has clarified that the onus of establishing and maintaining such institutions now lies with both the Central and State Governments alongwith other organizations like private bodies, voluntary organizations, trusts etc. It is a cause of concern for the Committee to note that

the Bill does not stipulate establishment of Old Age Homes in every district of the country, as given in the Parent Act. The Committee, therefore, recommend that in sub-section 19(1) 'shall' should replace 'may' and following sub-section 19(2) may be inserted after 19(1) - *“Such number of Senior Citizens’ Care Homes and Multi-Service Day Care Centres, as are necessary to meet the requirements of the senior citizens, shall be established in a time bound manner, beginning with at least one Senior Citizens’ Care Home and one Multi-Service Day Care Centre in each district of the country. In case of a Government Home/care centre, the allotment of suitable land shall be made within six months from the date of such decision.”* The Committee feel that since allotment of suitable land needs to be accorded priority, such an addition would give the necessary impetus to this issue. Also, for better clarity, the Committee desire that in sub-section 19(5), the word 'operational' may be added before 'matters' in the last line.

4.35 The Amendment Bill stipulates that the State Government shall designate the Registration Authority for registration of institutions under this Act and also the Regulatory Authority to monitor the functioning of these institutions. However, no time frame has been provided for the State Governments to establish these Authorities. It has come to the notice of the Committee that some States had taken inordinately long time of upto seven years in constituting the Maintenance Tribunals. A number of Old Age Homes are already functional in various districts of the country and many are stately in the pipeline. For their registration under the amended Act, the Committee deem it imperative that the Registration/Regulatory Authority in each State is established immediately.

Therefore, the Committee recommend that suitable modifications in Section 19(3) and (6) should be incorporated to provide for designation of Registration/Regulatory Authority within six months of the coming into force of this Act.

4.36 Clause 19 of the Amendment Bill seeks to substitute Section 20 with a new Section to provide for the healthcare of senior citizens and for their homecare services. The Amendment Bill has retained all the healthcare provisions enumerated in the parent Act, such as provision of beds, separate queues, research in geriatric science, facilities for treatment of chronic, terminal and degenerative diseases and separate facilities for geriatric patients in every district hospital by rephrasing the Clause without augmenting any other significant facility. The Committee realize that counseling of senior citizens is a very important issue pertaining to their overall mental, physical and emotional disposition. Regular counseling for senior citizens contribute significantly towards better physical and mental health and ably guides them to lead a life of dignity during old age. Unfortunately, the Bill does not carry any separate provision for counseling of the elderly. Therefore, the Committee recommend that after point no. (iv) of Section 20, the following may be added- *“(v) Adequate facilities for counseling are provided for senior citizens and such facilities are available on demand in District Hospitals.”*

Though the Act and the Bill makes provision for beds, separate queues, facilities for geriatric care in district hospital, such facilities in the face of the burgeoning population of senior citizens in the country appear inadequate to the

Committee. Senior citizens already constitute 8.6 per cent of the total population of the country and as it is bound to rise substantially in the coming three decades, the Committee find it imperative that adequate infrastructure and dedicated facilities for the healthcare of senior citizens is established throughout the country and all such medical facilities are available under one roof for them. Therefore, the Committee recommend that after point no. (vi) in Section 20, the following point may also be added - *“(vii) separate geriatric health facilities, hospitals and research centres dedicated to the healthcare of senior citizens are established by the Government in every State in a time bound manner.”*

CHAPTER V

AMENDMENT PROVISIONS PERTAINING TO AWARENESS GENERATION, AGE-FRIENDLY INITIATIVES, HELPLINE, STANDARDS, PENALTY AND OTHER MISCELLANEOUS ISSUES

Wide publicity of any welfare-oriented legislative measure is indispensable for reaching the target population with the desired policy intervention. Senior citizen population is a vulnerable group, which, unfortunately, is no more considered to be productive and contributing members of the family and society and, hence, perhaps, face neglect and abuse also. Often, in the case of senior citizens, justice delayed is justice denied. Hence, it is imperative that the Bill ensures that no senior citizen remains without the knowledge of various protective and welfare measures intended to guarantee them a life of dignity. Then only this legislation will emerge as a major tool for the empowerment of senior citizens.

5.2 As regards awareness efforts, it has been informed to the Committee that a weekly radio programme namely, 'Sawarti Jaye Jeevan ki rahe', is broadcast to spread awareness on the provisions of the MWPSA Act. Awareness through social media namely Facebook, Twitter, Youtube & new media like SMS burst & WhatsApp messages, is also done. Moreover, the Ministry steadily funds voluntary organizations to conduct seminars/conferences for awareness generation at local level. It also organizes from time-to-time sensitization/awareness programmes for school/college students as well as representatives of Panchayati Raj Institutions and Police functionaries etc.

5.3 The measures taken by the various State Governments under Section 21 of the MWPSA Act, 2007 for awareness generation in their respective States as furnished to the Committee are given at **Annexure- VI**.

5.4 However, the Committee noticed that as per the Report of the National Productivity Council on the actual implementation of MWPSA Act, 2007, there is poor

awareness and publicity about the Act in the country. The Report in its findings stated that there is lack of awareness about the Act across the Country and hence, there is serious and urgent need to address this issue. Even the key stakeholders were not found to be trained on the Act. As per the Act, the States have been given responsibility to give adequate publicity to the provisions of the Act. However, none of the States were found to have dedicated funds under this head.

5.5 On being asked about the corrective measures/action taken by the Ministry on the above observations, they submitted through a written reply, as under:

“Section 21 of the MWPSC Act, 2007 on measures for publicity, awareness etc. has been expanded for achieving better implementation of the provisions of the Act. Further, National Action Plan for Senior Citizens (NAPSRc), effective since 01.04.2020, covers issues relating to media, advocacy, capacity building etc. The Awareness Generation and Sensitization Programme *inter alia* includes conducting awareness campaigns on all aspects such as provisions of MWPSC Act., IEC material on self care, nutritional needs and information on Government schemes etc.”

5.6 Now, Clause 21 of the Bill seeks to amend section 21 to provide for giving wide publicity to the provisions of the Act and measures for the well-being of the senior citizens and also to sensitise the officers of the Central Government and the State Government. As per Clause 21, in section 21 of the principal Act, for clauses (i), (ii) and (iii), the following clauses have been substituted:—

- "(i) the provisions of the Act and measures for the well-being of senior citizens are given wide publicity through various means;
- (ii) the officers of the Central Government and of the State Government, including the members of Civil Defence Corps and Home Guards, police officers and members of judicial service are given periodic sensitisation and awareness training on the provisions of this Act and the issues relating thereto."

5.7 The Ministry has given the following justification for the Amendments:-

- i. “This provision will ensure that larger number of senior citizens avail the provisions of this Act.
- ii. This aims to achieve a better implementation of the Act at the grassroot level.”

5.8 On being asked about the monitoring mechanism put in place for ensuring effective implementation of the various provisions of the Act by the State Governments, the Ministry stated that:-

“As per Section 31 of the MWPSC Act, 2007, the Central Government may make periodic review and monitor the progress of the implementation of the Act at the State level. Under this Section, the Central Government has adopted the following monitoring mechanisms:

1. Meetings of National Council of Senior Citizens, under the Chairmanship of Hon’ble Minister (SJ&E), have been organized every year to discuss on the issues relating to senior citizens, including implementation of the Act at the grassroot level. The Council consists of representatives from Central Government, State Governments, Senior Citizen Associations, Pensioners Associations, Non-Governmental Organisations working for senior citizens etc.
2. Annual Progress Report has been sought from all State Governments and UT Administrations on the implementation of each provision of the Act.
3. Implementation of the Act has also been discussed through Video Conferences, organized by the Hon’ble Minister (SJ&E) with the State Ministers for Social Welfare or Social Justice and Empowerment and with concerned Ministries/ Departments.
4. An Evaluation study has also been done on the functioning and effectiveness of the Act at the grassroot level by an External Agency.”

5.9 A statement detailing the progress of implementation of the MWPSC Act, 2007 by various State/UT Governments is given at **Annexure – VII**.

5.10 On the suggestion of an NGO that the Department should organize inter-generation meetings/conclaves to minimize the generation gap and that the participation of children may be made compulsory in such meetings, the Ministry through a written reply submitted that:-

“The aspect of intergenerational bonding cannot be a part of the Act but can be an integral component of the Policy, Schemes and Programmes for senior citizens. In this Department’s Scheme of National Action Programme for Senior Citizen, one of the ten objectives is to promote intergenerational bonding. Under this component, State Governments, NGOs, community at large can take action to organise and conduct sensitisation programmes on building intergenerational solidarity. On the occasion of International Day of Older Persons, many sensitisation

programmes/walkathon/meetings/conclaves on intergenerational bonding are organised each year across the country where large number of students, youth, NGOs participate together with civil society organisations, Resident Welfare Organisations, Pensioners and Senior Citizen Associations.”

5.11 On the suggestion about inclusion of suitable course content in school curricula to inculcate the ethos and culture of respect and family bonding among school-going children by the Ministry of Human Resource Development, the Ministry of Social Justice and Empowerment, in their written submission, stated as below:-

“Ministry of Human Resource Development is one of the official members of the National Council of Senior Citizens, an apex body to advise the Government on issues relating to senior citizens. The Council, headed by Hon^{ble} Minister of Social Justice and Empowerment, meets annually. In one of such meetings, MHRD informed that books prescribed by NCERT for primary school already has contents relating to strengthening of family values. Issues relating to intergenerational bonding and other socially relevant issues will be apprised to the M/o Education, D/o School Education & Literacy for inclusion in the curriculum.”

Action plan for Senior Citizens

5.12 Clause 22 of the Bill seeks to insert a new section 21A to provide for Action Plan for Senior Citizens. As per this Clause:-

“(1) The State Government shall prepare and implement a comprehensive action plan for the welfare of senior citizens including for protection of their life and property.

(2) The State Government shall take all measure to ensure effective co-ordination between the services provided by the concerned Ministries or Departments, non-Governmental organisations and other stakeholders to address the issues relating to the welfare of the senior citizens and that periodical review of the same is conducted.”

5.13 As per the Ministry, more Government Departments have been included in the Amendment Bill to ensure better service delivery through effective coordination and convergence.

5.14 The provision related to Action Plan by the State Government for providing protection of life and property of senior citizens has also been provided under Section

22(2) of the MWPSA Act, 2007. When asked about any State Government having formulated the comprehensive action plan, the Ministry submitted as under:-

“The issue relating to protection of life and property of senior citizens is under the purview of Ministry of Home Affairs and respective State Governments being in the concurrent list. Accordingly, Ministry of Home Affairs vide letter dated 30.8.2013 has issued detailed guidelines to the State Government for protection of life and property of senior citizens for their safety and security alongwith monitoring action plan, which includes suggested measures and monitoring indicators. Data regarding comprehensive action plan by State Governments in this regard is not maintained in this Department.”

Nodal Officer

5.15 Clause 23 of the Bill seeks to amend section 22 to provide for designation of Nodal Officer for senior citizens to deal with issues relating to parents and senior citizens in every police station and to constitute a Special Police Unit for senior citizens in each district to coordinate the functions of police in respect of parents and senior citizens. As per this Clause, in section 22 of the principal Act, for sub-section (2), the following sub-sections shall be inserted, namely:—

- "(2) In every police station, at least one officer, not below the rank of Assistant Sub-Inspector possessing aptitude, appropriate training and orientation shall be designated as the Nodal Officer for senior citizens to deal with issues relating to parents and senior citizens.
- (3) The State Government shall constitute a Special Police Unit for senior citizens in each district to co-ordinate the functions of police in respect of parents and senior citizens and such Unit shall be headed by a police officer not below the rank of Deputy Superintendent of Police and consist of the Nodal Officers for senior citizens designated under sub-section (2) and two social workers having experience of working in the field of senior citizens, of whom one shall preferably be a woman."

5.16 The Ministry has furnished the following reason for inserting this new clause:-

“The introduction of the provision for every Police Station to have a ‘Nodal Officer for Senior Citizens’ in the Bill is to curb the growing number of crimes being done on senior citizens, whether living alone or with their families.”

Emphasis on age-friendly environment and Senior Citizen's Helpline

5.17 Clause 25 of the Amendment Bill seeks to insert a new section 23A to provide for other welfare measures for senior citizens. As per this Clause, after Section 23 of the principal Act, the following section has been inserted:—

"23A. (1) The Central Government and the State Government shall take suitable measures to create more accessible and age-friendly environment, transportation, information and communications and other public facilities including separate queues for senior citizens.

(2) The State Government shall establish and maintain helpline for safety and security of senior citizens having one common number across the nation and it shall be linked to healthcare facilities, police department and other related agencies.

(3) The Government may undertake welfare measures for the benefit of senior citizens and any benefit for elderly persons made available by the Government or semi-Government or organisation shall also be available to senior citizens who are sixty years and above:

Provided that the provisions of this section shall not have any effect on any benefits extended by the Government or semi-Government or organisations to any person below sixty years."

5.18 The Ministry has submitted the following justification for making these amendments:-

- (1) It will ensure a life with independent movement, awareness and dignity to senior citizens.
- (2) It has been introduced to ensure a secured and healthy wellbeing of senior citizens.
- (3) This will provide a similar ground for all those who are aged 60 years and/or above to avail benefits and concessions, being extended by the Central/State Govt./Semi-Govt./Pvt. to senior citizens, while not adversely affecting the already existing benefits being extended to 'senior citizens' below 60 years of age.

5.19 The Committee were informed by the Ministry that a National Helpline Service for the destitute is under preparation which will be functional round the clock. It was also informed that the Ministry have been running a Helpline for the destitute in Telangana for the last one year on experimental basis.

5.20 On the query for ensuring community participation in parental and elderly care through Panchayats, Local Bodies, Resident Welfare Associations (RWAs), Youth Clubs etc., the Ministry submitted that:-

“Various mechanisms of community participation have been detailed in the National Action Plan for the welfare of Senior Citizens of this Department and similar schemes can be formulated by other Central Ministries/Departments dealing with the matters relating to senior citizens as well as by the State Governments for implementation. This matter need not be elaborated in the proposed Bill.”

Penal Provisions for willful abandonment of parents

5.21 Clause 26 of the Bill seeks to substitute section 24 with a new section to provide punishment for the abuse or abandonment of the senior citizen. As per this clause, for section 24 of the principal Act, the following section has been substituted:—

“24. Whoever, having the care or protection of a parent or senior citizen, intentionally abuses or abandons such parent or senior citizen, shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to six months or with fine up to ten thousand rupees or with both.

Explanation.—For the purposes of this section, the term "abuse" includes physical abuse, verbal and emotional abuse and economic abuse, neglect and abandonment causing assault, injury, physical or mental suffering.”

5.22 As per the Ministry, the new provision would deter the growing cases of abandonment and abuse of senior citizens/parents by their children/relatives.

5.23 On the suggestion whether before giving punishment to the children guilty of abusing or abandoning their parents, their counselling should be done, the Ministry submitted as under:-

“The Conciliation Officer at Section 6(6) of the MWPSA (A) Bill, 2019 shall provide counselling to both the Parties and arrive at an amicable settlement.”

Power of State Government to make Rules

5.24 Clause 29 of the Bill seeks to amend section 32 to empower the Central Government to frame model rules and to empower the State Government to make rules in respect of certain matters. As per this clause, in section 32 of the principal Act,—

- (a) in sub-section (1), the following proviso shall be inserted, namely:—
"Provided that the Central Government may frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State mutatis mutandis until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.";
- (b) in sub-section (2),—
- (i) for clause (a), the following clauses shall be substituted, namely:—
"(a) the manner of nominating Conciliation Officer under sub-section (6) of section 6;
(aa) the manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8;"
- (ii) after clause (d), the following clauses shall be inserted, namely:—
"(da) the manner of designating Registration Authority under sub-section (3) of section 19;
(db) the procedure for cancellation or withholding of registration of institutions under sub-section (4) of section 19;
(dc) the minimum standards for the establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres and for the food, infrastructure, medical facilities, recreation, staff, safety and security and other matters under sub-section (5) of section 19;"

5.25 The Committee are deeply concerned over present situation of inadequate awareness of the MWPSC Act, 2007, in the light of the adverse findings on awareness by the National Productivity Council in their Report. Even the best legislative measures fail to serve their intended purpose without adequate dissemination and awareness among the stakeholders. Though the stipulation for giving wide publicity to the provisions of the Act through public media was clearly spelt out in the Principal Act, its implementation was not up to the desired level leading to glaring gaps in awareness. Many NGOs also highlighted the fact that in most of the States, senior citizens, parents as well as general public remain in dark about availability of legal remedies under the Act. The Committee, therefore, recommend that the Ministry should formulate a time bound plan for carrying out extensive awareness campaign throughout the country using all viable means including electronic, print and social media for the purpose, particularly the vernacular media, for increasing the outreach of the campaign. This should also be shared with all the State Governments to guide and pursue them for the desired outcome. Simultaneously, adequate measures towards proper sensitization of the stakeholders to various senior citizens' issues should also be taken by the Ministry by suitably modifying the school curricula to inculcate the ethos and culture of respect and proper care for elderly parents and senior citizens among children right from a young age. This will be instrumental in setting the social, ethical and moral foundation of elderly care in the young minds and build inter-generational and familial relationships in a much stronger

fashion. In view of the foregoing, the Committee recommend that in Section 21 of the Principal Act, clause (i) may be revised as:

- (a) ***“The provisions of the Act and measures for the well-being of senior citizens are given wide publicity and awareness in local language through various means including social media and a dedicated and earmarked fund is set for the purpose.”***
- (b) ***“To inculcate a value system which respects the elderly, the school curriculum is revised and suitable additions made therein, and efforts are taken to improve familial relationships and inter-generational issues, as prescribed in the National Action Plan for Senior Citizens.”***

The Committee, while noting that the Amendment Bill seeks to insert Clause 21A, feel that in most of the States, the District Social Welfare Offices suffer from lack of requisite manpower, hence they recommend to revise the same as under:

“21A(1) The State Government shall prepare and implement a comprehensive action plan for the welfare of senior citizens including protection of their life and property and shall provide adequate manpower to the District Social Welfare Offices to implement the same and attend to the grievances received by them.”

Further, the Committee recommend that in Clause 21A (2) of the Amendment Bill, after the words ***“Ministries or Departments”***, the words ***“and local bodies dealing with social security, welfare, health, law, home affairs, land & revenue, personnel & training”*** are added .

5.26 The Committee are pleased to note that with the objective to deter the growing cases of abandonment and abuse of senior citizens/parents by their children/relatives, penal provisions for their abuse have been introduced and those for wilful abandonment of parents have been further strengthened in the

Amendment Bill by stipulating the imprisonment term upto six months and the fine amount upto ten thousand rupees. It is also noteworthy that the explanation provided with the Section has broadened the ambit of the term 'abuse' by clearly including physical abuse, verbal and emotional abuse and economic abuse, neglect and abandonment causing assault, injury physical or mental suffering, thus providing much needed legal clarity for proving abuse during legal proceedings in these cases. The Committee believe that abuse of senior citizens is a hidden but rampant social problem and these penal provisions will sufficiently empower senior citizens to fight this evil. In this regard, the Committee desire that enabling provisions should be included in the rules to ensure its effective implementation on the ground.

5.27 The Committee note that as per Section 31 of the MWPSA Act, 2007, the Central Government may make periodic review and monitor the progress of the implementation of the provisions of the Act by the State Governments. Though the Ministry has taken certain steps towards monitoring the implementation of the Act, a lot of issues pertaining to it, specially Centre-State coordination, still remain as is evident from the fact that the Ministry of Social Justice and Empowerment does not maintain data regarding comprehensive action plan on senior citizens by the State Governments and it has failed to hold the State Governments accountable to fully implement the major mandate of the Act establishing Old Age Homes in every district of the country. Further, the notification regarding Maintenance Tribunals in certain States was issued very late thus depriving the senior citizens in those States of the welfare measures.

The Committee have reasons to infer from above that effective coordination with the State Governments on variety of issues is sorely missing in the present situation and monitoring and oversight mechanism needs to be further spruced up for ensuring better delivery and implementation. The Committee, therefore, recommend that Section 31 of MWPSC Act, 2007 should be implemented in letter and spirit for achieving the objectives of the legislation.

5.28 The Committee appreciate the stipulations providing for the designation of a Nodal Officer for senior citizens to deal with issues relating to parents and senior citizens in every police station and to constitute a Special Police Unit for them in each district to coordinate the functions of police in respect of parents and senior citizens. The Committee view it as a landmark change to ensure that senior citizens can easily approach the police in abuse/abandonment cases, provided this clause is implemented by all States promptly. They feel that the Police should be the first point of contact for grievance redressal in such cases, much before the Courts or Tribunals come into picture. Nonetheless, it is a fact that senior citizens are often dissuaded from filing complaints due to the existing police apathy or lack of information on whom to contact. Thus, for effective implementation of this initiative, it needs to be ensured that contact details of the Nodal officers are properly disseminated in residential areas to make it easier for the aggrieved parents and senior citizens to file their police complaint promptly. Such a measure will also go a long way in curbing the growing number of crimes against senior citizens. Besides, provisions for training and sensitization of the

Nodal Officers and Special Police Unit should also be made in the Rules to be framed after the enactment of this Bill.

5.29 The Committee are pleased to note that a new Section 23A.(1) has been inserted in the Amendment Bill to provide for suitable measures to create more accessible and age-friendly environment, transportation and a Senior Citizens' Helpline. Though the Committee appreciate the intent of the Government behind introducing these old age-friendly facilities in public places, they are apprehensive that without proper measures for implementation on the ground, these provisions will remain superfluous just like the one for old age home in every district of the country being provided in the Principal Act. These measures are of immense value to the elderly and upon proper implementation, they will ensure seamless and age-friendly movement to the senior citizens facing mobility issues. Accordingly, the Committee recommend that a detailed analysis of the gaps in old age-friendly access should be carried out by the Ministry. Thereafter, specific points to augment accessible and age-friendly environment should be provided in the Rules for implementation. Further, it is important that Maintenance Tribunals and Special Police Units should compulsorily have offices on the ground floor and other facilities such as access ramps and toilets for senior citizens are adequately provided for.

At the same time, with a spurt in digitization in all spheres of life along with a rise in cases of on-line fraud, it would definitely be better to include provisions for digital and financial literacy under the welfare measures for Senior Citizens. It is also important that suitable skill training is provided for those aged persons,

who have the capacity and the will to learn new and useful skills and be independent. Hence, the Committee recommend that in Section 23A, the following new sub-section is added:-

“23A. (2) The Central Government and the State Government shall take all necessary measures to suitably empower and inform Senior Citizens through skill training, digital and financial literacy.”

The Committee further, opine that those Government servants, who are single child of their parents, need some relaxation under extant leave Rules to attend to their needs during dire circumstances. Hence, the Committee recommend that in Section 23A, the following new sub-section is added:-

“23A. (3) For those Government servants, who are single child of their parents, appropriate relaxation may be made under Leave Rules to attend to the needs of parents, if they are above 80 years of age or are completely disabled/bedridden/terminally ill.”

5.30 The Committee note that the Ministry is in the process of preparing a National Helpline service for destitutes while one such Helpline in Telengana is already operational for the last one year on experimental basis. The much awaited provision for establishing a Helpline for safety and security of senior citizens having one common number across the nation has been finally made in the Bill. The Committee deem it imperative that this Helpline is established within

a time bound manner by sufficiently incorporating the feedback from the Telengana experiment and a National Portal for senior citizens is urgently created. In future, this Helpline along with the National Portal can emerge as a lifeline for parents and senior citizens, providing all necessary information under a common platform for ensuring hassle-free grievance redressal.

5.31 The Committee note that Section 32 of the MWPSA Act, 2007 has been amended to include the proviso that Central Government may frame rules in respect of all or any of the matters with respect to which the State Government is required to make rules. The rule making power of the State Governments has also been augmented to include nomination of the Conciliation Officer, manner of designation of Registration Authority, procedure for cancellation or withholding of registration of institutions and minimum standards for the establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres. The Committee understand that while the proviso has been added to cover a situation where a State Government fails to notify the rules, it is also imperative keeping the Federal principles in mind that such powers be resorted to as a last resort by the Central Government. In view of the past experience of some States inordinately delaying the notification of MWPSA Act, it is indispensable that it becomes legally binding on them to notify the Rules in a time bound manner for effectively carrying out the purposes of this Act. Therefore, the Committee

recommend that in Section 32(1) of the principal Act after the words “*purposes of this Act*”, the words “*within six months of the notification of this Act mandatorily*” should be inserted.

New Delhi;

21 January, 2021
1 Magha 1942 (Saka)

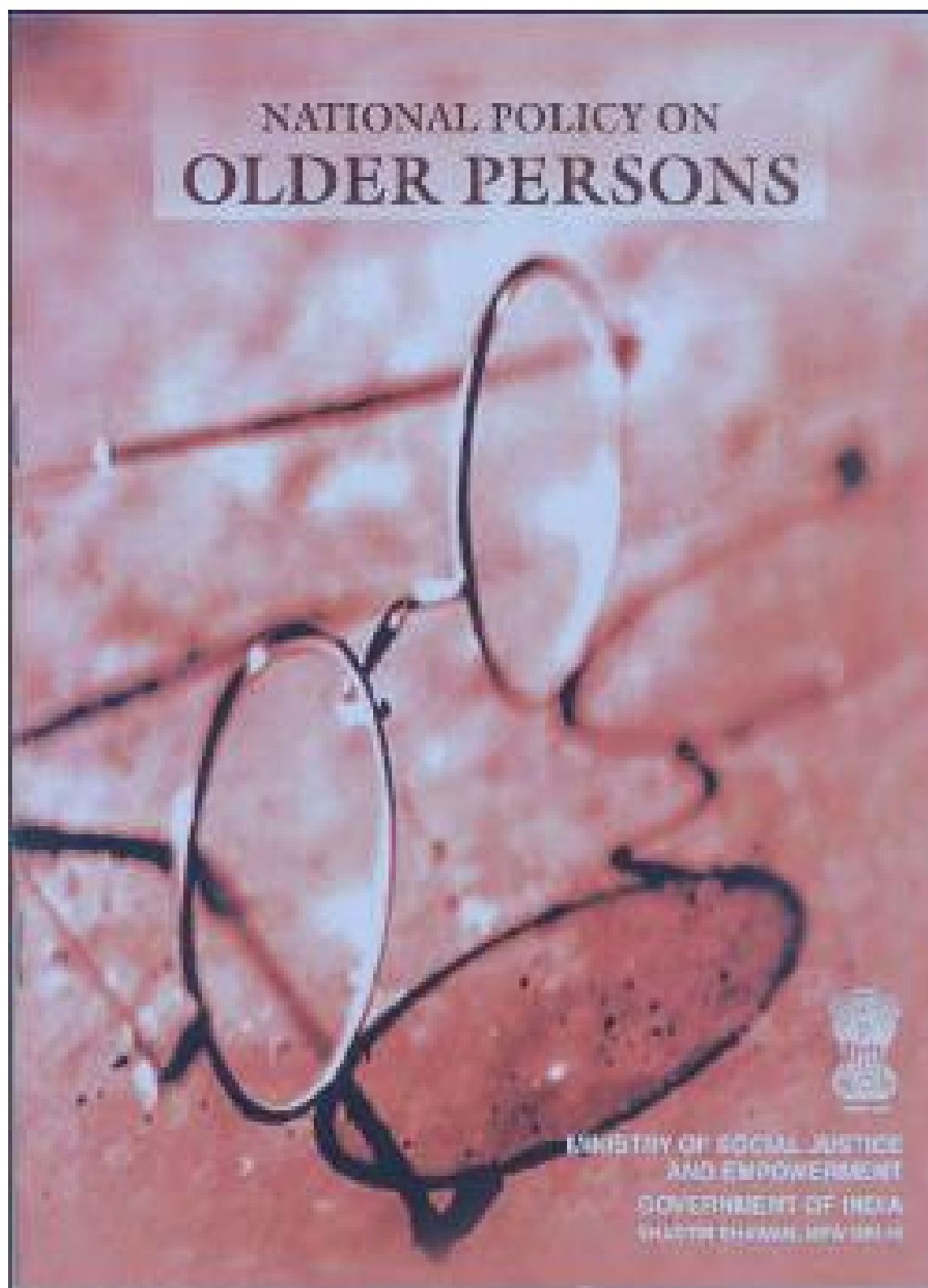
RAMA DEVI,
CHAIRPERSON,
STANDING COMMITTEE ON
SOCIAL JUSTICE AND
EMPOWERMENT

State-wise population of Senior Citizens

S.No.	STATE/UT	Total Population (approx.)		
		Persons	Males	Females
1	2	3	4	5
1.	ANDHRA PRADESH	8278241	3906328	4371913
2.	A & N ISLANDS	25424	14189	11235
3.	ARUNACHAL PRADESH	63639	33189	30450
4.	ASSAM	2078544	1054817	1023727
5.	BIHAR	7707145	4106593	3600552
6.	CHANDIGARH	67078	34833	32245
7.	CHHATTISGARH	2003909	928159	1075750
8.	D & N HAVELI	13892	6359	7533
9.	DAMAN & DIU	11361	4873	6488
10.	NCT OF DELHI	1147445	576755	570690
11.	GOA	163495	74315	89180
12.	GUJARAT	4786559	2245601	2540958
13.	HARYANA	2193755	1088621	1105134
14.	HIMACHAL PRADESH	703009	340875	362134
15.	JAMMU & KASHMIR	922656	482580	440076
16.	JHARKHAND	2356678	1181745	1174933
17.	KARNATAKA	5791032	2747072	3043960

18.	KERALA	4193393	1883595	2309798
19.	LAKSHADWEEP	5270	2674	2596
20.	MADHYA PRADESH	5713316	2769556	2943760
21.	MAHARASHTRA	11106935	5253709	5853226
22.	MANIPUR	187694	93137	94557
23.	MEGHALAYA	138902	66939	71963
24.	MIZORAM	68628	34345	34283
25.	NAGALAND	102726	54779	47947
26.	ODISHA	3984448	1994270	1990178
27.	PUDUCHERRY	120436	53419	67017
28.	PUNJAB	2865817	1443662	1422155
29.	RAJASTHAN	5112138	2432263	2679875
30.	SIKKIM	40752	22472	18280
31.	TAMIL NADU	7509758	3661226	3848532
32.	TRIPURA	289544	141920	147624
33.	UTTAR PRADESH	15439904	8037133	7402771
34.	UTTARAKHAND	900809	441897	458912
35.	WEST BENGAL	7742382	3851314	3891068
TOTAL		103836714	51065214	52771500
Source: Census 2011				

National Policy on Older Persons



1. THE BACKGROUND

Demographic Trends

1. Demographic ageing, a global phenomenon has hit Indian shores as well. People are living longer. Expectation of life at birth for males has shown a steady rise from 42 years in 1951-60 to 58 years in 1986-90, it is projected to be 67 years in 2011-16, an increase of about 9 years in a twenty five year period (1986-90 to 2011-16). In the case of females, the increase in expectation of life has been higher-about 11 years during the same period, from 58 years in 1986-90 to 69 year in 2011-16. At age 60 too, the expectation of life shows a steady rise and is a little higher for women. In 1989-93, it was 15 years for males and 16 years for females.

2. Improved life expectancy has contributed to an increase in the number of persons 60+ from only 12 million persons 60+ in India in 1901, the number crossed 20 million in 1951 and 57 million in 1991. Population projections for 1996-2016 made by the Technical Group on Population Projections (1996) indicate that the 100 million mark is expected to be reached in 2013. Projections beyond 2016 made by the United Nations (1996 Revision) has indicated that India will have 198 million persons 60+ in 2030 and 326 million in 2050. The percentage of persons 60+ in the total population has seen a steady rise from 5.1 percent in 1901 to 6.8 percent in 1991. It is expected to reach 8.9 percent in 2016. Projections beyond 2016 made by United Nations (1996 Revision) has indicated that 21 percent of the Indian population will be 60+ by 2050.

3. Growth rate on a large demographic base implies a much larger increase in numbers. This will be the case in the coming years. The decade 2001-11 is expected to witness an increase of 25 million persons 60+ which is equivalent to the total population of persons 60+ in 1961. The twenty five years period 1991 to 2016 will witness an increase of 55.4 million persons 60+ which is nearly the same as the population of persons 60+ in 1991. In other words, in a twenty five years period starting 1991 the population 60+ will nearly double itself.

4. Sixty three percent of the population in 1991 (36 million) is in the age group 60-69 years, often referred to as 'young old' or 'not so old' while 11 percent (6 million) is in the age group 80 years and over i.e., in the 'older old' or 'very old' category. In 2016, the percentage in these age groups will be almost the same, but the numbers are expected to be 69 million and 11 million respectively. In other words, close to six tenths of population 60-69 years can be expected to be in reasonably good physical and mental health, free of serious disability and capable leading an active life. About one third of the population 70-79 years can also be expected to be fit for a reasonably active life. This is indicative of the huge reserve of human resource.

5. Men outnumber women in India even after age 60 (29 million males, 27 million females 60+ in 1991). This will continue to be the situation in 2016 when there will be an estimated 57 million males and 56 million females 60+.

6. Incidence of widowhood is much higher among females 60+ than among males of the same age group because it is customary for women to get married to men older by several years; also, they do not remarry and live longer. There were in 1991, 14.8 million widowed females 60+ compared to 4.5 million widowed males. In other words, there were four times as many widowed females as widowed males.

Implications

7. The demographic ageing of population has implications at the macro and also at household level. The sheer magnitude of numbers is indicative both of the huge human reserve and also of the scale of endeavours necessary to provide social services and other benefits.

8. Demographic transition has been accompanied by changes in society and economy. These are of a positive nature in some areas and a cause of concern in others.

9. A growing number of persons 60+ in the coming decades will belong to the middle and upper income groups, be economically better off with some degree of financial security, have higher professional and education qualifications, lead an active life in their 60s and even first half of the 70s, they have a positive frame of mind looking for opportunities for a more active, creative and satisfying life.

10. Some areas of concern in the situation of older persons will also emerge, signs of which are already evident, resulting in pressures and fissures in living arrangements of older persons. It is true that family ties in India are very strong and an overwhelming majority live with their sons or are supported by them. Also, working couples find the presence of old parents emotionally bonding and of great help in managing the household and caring for children. However, due to the operation of several forces, the position of a large number of older persons has become vulnerable due to which they cannot take for granted that their children will be able to look after them when they need care in old age, specially in view of the longer life span implying an extended period of dependency and higher costs to meet health and other needs.

11. Industrialisation, urbanization, education and exposure to life styles in developed countries are bringing changes in values and life styles. Much higher costs of bringing up and educating children and pressures for gratification of their desires affects transfer of share of income for the care of parents. Due to shortage of space in dwellings in urban areas and high rents, migrants prefer to leave their parents in their native place. Changing roles and expectations of women, their concepts of privacy and space, desire not to be encumbered by caring responsibilities of old people for long periods, career ambitions, and employment outside the home implies considerably reduced time for care giving. Also, adoption of small family norms by a growing number of people implies availability of fewer care givers specially since in a growing number of families, daughters, too, are fully occupied, pursuing their educational or work career. The position of single persons, particularly females, is more vulnerable in old age as few persons are willing to take care of non-linear relatives. So also is the situation of widows an overwhelming majority of whom have no independent source of income, do not own assets and are totally dependent.

The Mandate

12. Well-being of older persons has been mandated in the Constitution of India. Article 41, a Directive Principle of State Policy, has directed that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right of public assistance in cases of old age. There are other provisions, too, which direct the State to improve the quality of life of its citizens. Right to equality has been guaranteed by the Constitution as a Fundamental Right. These provisions apply equally to older persons. Social security has been made the concurrent responsibility of the Central and State Governments.

13. The last two decades have witnessed considerable discussion and debate on the impact of demographic transition and of changes in society and economy on the situation of older persons. The United Nations Principles for Older Persons adopted by the United Nations General Assembly in 1991, the Proclamation of Ageing and the Global Targets on Ageing for the year 2001 adopted by the General Assembly in 1992, and various other Resolutions adopted from time to time, are intended to encourage governments to design their own policies and programmes in this regard.

14. There has for several years been a demand for a Policy Statement by the State towards its senior citizens so that they do not face an identity crisis and know where they stand in the overall national perspective. The need has been expressed at different forums where ageing issues have been deliberated. The Statement, by indicating the principles underlying the policy, the directions, the needs that will be addressed and the relative roles of governmental and nongovernmental institutions, is expected to facilitate carving out of respective areas of operation and action in the direction of a human age integrated society.

II. National Policy Statement

15. The National Policy seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored or marginalized. The goal of the National Policy is the well-being of older persons. It aims to strengthen their legitimate place in society and help older persons to live the last phase of their life with purpose, dignity and peace.

16. The Policy visualizes that the State will extend support for financial security, health care, shelter, welfare and other needs of older persons, provide protection against abuse and exploitation, make available opportunities for development of the potential of older persons, seek their participation, and provide services so that they can improve the quality of their lives. The Policy is based on some broad principles.

17. The Policy recognizes the need for affirmative action in favour of elderly. It has to be ensured that the rights of older persons are not violated and they get opportunities and equitable share in development benefits, different sectors of development, programmes and administrative actions will reflect sensitivity in older persons living in rural areas. Special attention will be necessary to older females so that they do not become victims of triple neglect and discrimination on account of gender, widowhood and age.

18. The Policy views the life cycle as a continuum, of which post 60 phase of life is an integral part. It does not view age 60 as the cut off point for beginning a life of dependency. It considers 60+ as a phase when the individual should have the choices and the opportunities to lead an active, creative, productive and satisfying life. An important thrust is therefore, on active and productive involvement of older persons and not just their care.

19. The Policy values an age-integrated society. It will endeavour to strengthen integration between generations, facilitate two way flows and interactions, and strengthen bonds between the young and the old. It believes in the development of a social support system, informal as well as formal, so that the capacity of families to take care of older persons is strengthened and they can continue to live in their family.

20. The Policy recognizes that older persons, too, are a resource. They render useful services in the family and outside. They are not just consumers of goods and services but also their producers. Opportunities and

facilities need to be provided so that they can continue to contribute more effectively to the family, the community and society.

21. The Policy firmly believes in the empowerment of older persons so that they can acquire better control over their lives and participate in decision making on matters which affect them as well as on other issues as equal partners in the development process. The decision making process will seek to involve them to a much larger extent specially since they constitute 12 percent of the electorate, a proportion which will rise in the coming years.

22. The Policy recognizes that larger budgetary allocations from the State will be needed and the rural and urban poor will be given special attention. However, it is neither feasible nor desirable for the State alone to attain the objectives of the National Policy. Individuals, families, communities and institutions of civil society have to join hands as partners.

23. The Policy emphasizes the need for expansion of social and community services for older persons, particularly women, and enhance their accessibility and use by removing socio-cultural, economic and physical barriers and making the services client oriented and user friendly. Special efforts will be made to ensure that rural areas, where more than three-fourths of the older population lives, are adequately covered.

Principal Areas of Intervention And Action Strategies

Financial Security

24. A great anxiety in old age relates to financial insecurity. When the issue is seen in the context of fact that one-third of the population (1993-94) is below the poverty line and about one-third are above it but belong to the lower income group, the financial situation of two-thirds of the population 60+ can be said to fragile. Some level of income security in old age is a goal which will be given very high priority. Policy instruments to cover different income segments will be developed.

25. For elderly persons below the poverty line, old age pensions provide some succour. Coverage under the old age pension scheme for poor persons will be significantly expanded from the January 1997 level of 2.76 million with the ultimate objective of covering all older persons below the poverty line. Simultaneously, it will be necessary to prevent delays and check abuses in the matter of selection and disbursement. Rate of monthly pension will need to be revised at intervals so that inflation does not deflate its real purchasing power. Simultaneously, the public distribution system will reach out to cover all persons 60+ living below the poverty line.

26. Employees of government and quasi government bodies and industrial workers desire better returns from accumulations in provident funds through prudent and safe investment of the funds. Issues involved will be given careful consideration. It will be ensured that settlement of pension, provident fund, gratuity and other retirement benefits is made promptly and superannuated persons are not put to hardship due to administrative lapses. Accountability for delays will be fixed. Redressal mechanisms for superannuated persons will ensure prompt, fair and humane treatment. Widows will be given special consideration in the matter of settlement of benefits accruing to them on the demise of husband.

27. Pension is a much, sought after income security scheme. The base of pension coverage needs to be considerably expanded. It would be necessary to facilitate the establishment of pension schemes both in the private as well as in the public sector for self-employed and salaried persons in non-governmental employment, with provision for employers also to contribute. Paramount considerations in regard to pension schemes are total security, flexibility, liquidity and maximisation of returns. Pension Funds will function under the watchful eye of a strong regulatory authority which lays down the investment norms and provide strong safeguards.

28. Taxation policies will reflect sensitivity to the financial problems of older persons which accelerate due to very high costs of medical and nursing care, transportations and support services needed at home. Organisations of senior citizens have been demanding a much higher standard deduction for them and a standard annual rebate for medical treatment, whether domiciliary or hospital based, in cases where superannuated persons do not get medical coverage from their erstwhile employers. There are also demands that some tax relief must be given to son or daughter when old parents co-reside and also allow some tax rebate for medical expenses. These and other proposals of tax relief will be considered.

29. Long term savings instruments will be promoted to reach both rural and urban areas. It will be necessary for the contributors to feel assured that the payments at the end of the stipulated period are attractive enough to take care of the likely erosion in purchasing power due to erosion. Earners will be motivated to save in their active working years for financial security in old age. Pre-retirement counselling programmes will be promoted and assisted.

30. Pre-retirement counselling programmes will be promoted and assisted.

31. Employment in income generating activities after superannuation should be the choice of the individual. Organisations which provide career guidance, training and orientation, and support services will be assisted. Programmes of non-governmental organizations for generating incomes of old persons will be encouraged. Age related discrimination in the matter of entitlement to credit, marketing and other facilities will be removed. Structural adjustment policies may affect the older workers in some sectors more adversely, specially those in household or small scale industry. Measures will be taken to protect their interests.

32. The right of parents without any means to be supported by their children having sufficient means has been recognised by Section 125 of the Criminal Procedure Code. The Hindu Adoptions and Maintenance Act, 1956, too secures this right to parents. To simplify the procedure, provide speedy relief, lay down the machinery for processing cases, and define the rights and circumstances in a comprehensive manner, the Himachal Pradesh Legislative Assembly passed the Himachal Pradesh Maintenance of Parents and Dependents Bill, 1996. The Government of Maharashtra has prepared a Bill on similar lines. Other States will be encouraged to pass similar legislation so that old parents unable to maintain themselves do not face abandonment and acute neglect.

Health Care and Nutrition

33. With advancing age, old persons have to cope with health and associated problems some of which may be chronic, of a multiple nature, require constant attention and carry the risk of disability and consequent

loss of autonomy. Some health problems, specially when accompanied by impaired functional capacity, require long term management of illness at time, and of nursing care.

34. Health care needs of older persons will be given high priority. The goal should be good affordable health services, very heavily subsidised for the poor and a graded system of user charges for others. It will be necessary to have a judicious mix of public health services, health insurance, health services provided by not for profit organizations including trusts and charities, and private medical care. While the first of these will require greater State participation, the second category will need to be promoted by the State, the third category given some assistance, concessions and relief, and the fourth encouraged by subjected to some degree of regulation, preferably by an association of providers of private care.

35. The primary health care system will be the basic structure of public health care. It will be strengthened and oriented to be able to meet the health care needs of older persons as well public health services, preventive, curative, restorative and rehabilitative, will be considerably expanded and strengthened and geriatric care facilities provided at secondary and tertiary levels. This will imply much larger public sector outlays, proper distribution of services in rural and urban areas, and much better health administration and delivery systems.

36. The development of health insurance will be given high priority to cater to the needs of different income segments of the population and have provision for varying contributions and benefits. Packages catering to the lower income groups will be entitled to state subsidy. Various reliefs and concessions will be given to health insurance to enlarge the base of coverage and make them affordable.

37. Trusts, charitable societies and voluntary agencies will be promoted, encouraged and assisted by way of grants, tax relief and land at subsidized rates to provide free beds, medicines and treatment to the very poor elder citizens and reasonable user charges for the rest of the population.

38. Private medical care has expanded in recent years offering the latest medical treatment facilities to those who can afford it. Where land and other facilities are provided at less than market rates, bodies representing private hospitals and nursing homes will be requested to direct their members to offer a discount to older patients. Private general practitioners will be extended opportunities for orientation in geriatric care.

39. Public hospitals will be directed to ensure that elderly patients are not subjected to long waits and visits to different counters for medical tests and treatment. They will endeavour to provide separate counters and convenient timings on specified days. Geriatric wards will be set up.

40. Medical and para-medical personnel in primary, secondary and tertiary health care facilities will be given training and orientation in health care of the elderly. Facilities for specialization in geriatric medicine will be provided in the medical colleges. Training in nursing care will include geriatric care. Problems of accessibility and use of health services by the elderly arise due to distance, absence of escort and transportation. Difficulties in reaching a public health care facility will be addressed through mobile health services, special camps and ambulance services by charitable institutions and not for profit health care organizations. Hospitals will be encouraged to have a separate Welfare Fund which will receive donations and grants for providing free treatment and medicines to poor elderly patients.

41. For the old who are chronically ill and are deprived of family support, hospices supported or assisted by the State, public charity, and voluntary organizations will be necessary. These are also needed to cater to cases of abandonment of chronically ill aged patients admitted to public hospitals.

42. Assistance will be given to geriatric care societies for the production and distribution of instruction material on self care by older persons. Preparation and distribution of easy to follow guidance material on health and nursing care of older persons for the use of family care givers will also be supported.

43. Older persons and their families will be given access to educational material on nutritional needs in old age. Information will be made available on the foods to avoid and the right foods to eat. Diet recipes suiting tastes of different regions which are nutritious, tasty, fit into the dietary pattern of the family and the community, are affordable and can be prepared from locally available vegetables, cereals and fruits, will be disseminated.

44. The concept of healthy ageing will be promoted. It is necessary to educate older persons and their families that diseases are not a corollary of advancing age nor is a particular chronological age the starting point for decline in health status. On the contrary, preventive health care and early diagnosis can keep a person in reasonable good health and prevent disability.

45. Health education programmes will be strengthened by making use of mass media, folk media and other communication channels which reach out to different segments of the population. The capacity to cope with illness and manage domiciliary care will be strengthened. Programmes will also be developed targeting the younger and middle age groups to inform them how life styles during early years affect health status in later years. Messages on how to stay healthy for the entire life span will be given. The importance of balanced diets, physical exercise, regular habits, reduction of stress, regular medical check up, allocation of time for leisure and recreation, and pursuit of hobbies will be conveyed. Programmes on yoga, meditation and methods of relaxation will be developed and transmitted through different channels of communication to reach diverse audiences.

46. Mental health services will be expanded and strengthened. Families will be provided counselling facilities and information on the care and treatment of older persons having mental health problems.

47. Non-governmental organizations will be encouraged and assisted through grants, training and orientation of their personnel and various concessions and relief to provide ambulatory services, day care and health care to complement the efforts of the State.

Shelter

48. Shelter is a basic human need. The stock of housing for different income segments will be increased. Housing schemes for urban and rural lower income segments will be earmark 10 per cent of the houses/house sites for allotment to older persons. This will include Indira Awas Yojana and other schemes of government. Earning persons will be motivated to invest in their housing in their earning days so that they have no problems of shelter when they grow old. This will require speedy urban land development for housing, time bound provision of civic services and communication links, availability of loans at reasonable rates, easy repayment installments, time bound construction schedules and tax reliefs. Development of

housing has to be a joint endeavour of public and private sectors and require participation of Housing Development Boards, civic authorities, housing finance institutions and private developers and builders. Older persons will be given easy access to loans for purchase of housing and for major repairs, with easy repayment schedules.

49. Layouts of housing colonies will have to respond to the life styles of the elderly. It will have to be ensured that there are no physical barriers to mobility, and accessibility to shopping complexes, community centres, parks and other services is safe and easy. A multi-purpose centre for older persons is a necessity for social interaction and to meet other needs. It will therefore, be necessary to earmark sites for such centres in all housing colonies. Segregation of older persons in housing colonies has to be avoided as it prevents interaction with the rest of the community. Three or four storied houses without lifts are unfriendly to older persons, tend to isolate them, restraints their movement outside the home, and are a serious barrier to access to services. Preferences will be given to older persons in the allotment of flats on the ground floor.

50. Group housing of older persons comprising flat lets with common service facilities for meals, laundry, common room and rest rooms will be encouraged. These would have easy access to community services, medicare, parks, recreation and cultural centres.

51. Education, training and orientation of town planners, architects and housing administrators will include modules on needs of older persons for safe and comfortable living.

52. Older persons and their families will be provided access to information on prevention of accidents and on measures which enhance safety, taking cognizance of reduced physical capacity and infirmities.

53. Noise and other forms of pollution affect children, the sick and older persons more adversely. Norms will be laid down and strictly enforced.

54. Civic authorities and bodies providing public utilities will be required to give top priority to attending complaints of older persons. Payment of civic dues will be facilitated. Older persons will be given special consideration in promptly dealing with matters relating to transfer of property, mutation, property tax and other matters. Harassment and abuses in such cases will be checked.

Education

55. Education, training and information needs of older persons will be met. These have received virtually no attention in the past. Information and educational material specially relevant to the lives of older people will be developed and widely disseminated using mass media and non-formal communication channels.

56. Discriminations, if any, against older persons for availing opportunities for education, training and orientation will be removed. Continuing education programmes will be encouraged and supported. These would cover a wide spectrum ranging from career development to creative use of leisure, appreciation of art, culture and social heritage and imparting skills in community work and welfare activities. Assistance of open universities will be sought to develop packages using distance learning techniques. Access of older persons to libraries of universities, research institutions and cultural centres will be facilitated.

57. Educational curriculum at all stages of formal education as also non-formal education programmes will incorporate material to strengthen intergenerational bonds and mutually supporting relationships. Interactions with educational institutions will be facilitated whereby older persons with professional qualifications and knowledge in science, arts, environment, socio-cultural heritage, sports and other areas could interact with children and young persons. Schools will be encouraged and assisted to develop out-reach programmes for interacting with older persons on a regular basis, participate in the running of senior citizens centres and develop activities in them.

58. Individuals of all ages, families and communities will be provided with information about the ageing process and the changing roles, responsibilities and relationships at different stages of the life cycle. The contributions of older persons inside the household and outside will be highlighted through the media and other forums and negative images, myths and stereotypes dispelled.

Welfare

59. The main thrust of welfare will be to identify the more vulnerable among the older persons such as the poor, the disabled, the infirm, the chronically sick and those without family support, and provide welfare services to them on a priority basis. The policy will be to consider institutional care as the last resort when personal circumstances are such that stay in old age homes becomes absolutely necessary.

60. Non-institutional services by voluntary organizations will be promoted and assisted to strengthen the coping capacity of older persons and their families. This has become necessary since families, as they become smaller and women work outside the home, have to cope with scarcity of full time care givers. Support services will provide some relief through sharing of the family's caring responsibilities.

61. Assistance will be provided to voluntary organizations by way of grants-in-aid for construction and maintenance of old age homes. Those for the poor will be heavily subsidized. It is important that such institutions become lively places of stay and provide opportunities to residents to interact with the outside world. Non-governmental organizations will be encouraged to seek professional expertise in the designing of old age homes, keeping in view needs of group living at this stage of the life cycle and the class of clients they serve. Minimum standards of services in such homes will be developed and facilities provided for training and orientation of persons employed in these homes.

62. Voluntary organizations will be encouraged and assisted to organize services such as day care, multi-service citizen's centres, reach-out services, supply of disability related aids and appliances, assistance to old persons to learn to use them, short term stay services and friendly home visits by social workers. For old couples of persons living on their own, helpline, telephone assurance services, help in maintaining contacts with friends, relatives and neighbours and escorting older persons to hospitals, shopping complexes and other places will be promoted for which assistance will be given to voluntary organizations. Older persons will be encouraged to form informal groups of their own in the neighbourhood which satisfy the needs for social interaction, recreation and other activities. For a group of neighbourhoods/ villages, the formation of senior citizen's forums will be encouraged.

63. A Welfare Fund for older persons will be set up. It will obtain funding support from government, corporate sector, trusts, charities, individual donors and others. Contributions to the Fund will be given tax relief. States will be expected to establish similar Funds.

64. The need for plurality of arrangements for welfare services is recognised. Government, voluntary organizations and private sector agencies all have a place, the latter catering to those who have the means and desire better standards of care.

Protection of Life and Property

65. Old persons have become soft targets for criminal elements. They also become victims of fraudulent dealings and of physical and emotional abuse within the household by family members to force them to part with their ownership rights. Widow's rights of inheritance, occupancy and disposal are at times violated by their own children and relatives. It is important that protection is available to older persons. The introduction of special provisions in IPC to protect older persons from domestic violence will be considered and machinery provided to attend all such cases promptly. Tenancy legislation will be reviewed so that the rights of occupancy of older persons are restored speedily.

66. Voluntary organizations and associations of older persons will be assisted to provide protective services and help to senior citizens through helpline services, legal aid and other measures.

67. Police will be directed to keep a friendly vigil on older couples or old single persons living alone and promote mechanisms of interaction with neighbourhood associations. Information and advice will be made available to older persons on the importance of keeping contacts on phone with relatives, friends and neighbours and on precautions to be taken on matters such as prevention of unauthorized entry, hiring of domestic help, visits of repair and maintenance persons, vendors and others, and the handling of cash and valuables.

Other Areas of Action

68. There are various other areas which would need affirmative action of the State to ensure that policies and programmes reflect sensitivity to older persons. Among these are issue of identity cards by the administration; fare concessions in all modes of travel; preference in reservation of seats and earmarking of seats in local public transport; modifications in designs of public transport vehicles for easy entry and exit; strict enforcement of traffic discipline at zebra crossings to facilitate older persons to cross streets; priority in gas and telephone connections and in fault repairs; removal of physical barriers to facilitate easy movement, concessions in entrance fees in leisure and entertainment facilities : art and cultural centres and places of tourist interest.

69. Speedy disposal of complaints of older persons relating to fraudulent dealings, cheating and other matters will go a long way in providing relief to them. Machinery for achieving this objective will be put in place.

70. Issues pertaining to older persons will be highlighted every year on the National Older Persons' Day. The year 2000 will be declared as the National Year for Older Persons. Activities during the year will be planned and executed with the participation of different organizations.

71. Facilities, concessions and relief given to older persons by the Central and State governments and the agencies will be complied, updated at regular intervals and made available to associations of older persons for wide dissemination.

Non-Governmental Organizations

72. The State alone cannot provide all the services needed by older persons. Private sector agencies cater to a rather small paying segment of the population. The National Policy recognizes the NGO sector as a very important institutional mechanism to provide user friendly affordable services to complement the endeavours of the State in this direction.

73. Voluntary effort will be promoted and supported in a big way and efforts made to remedy the current uneven spread both within a state and between states. There will be continuous dialogue and communication with NGOs on ageing issues and on services to be provided. Networking, exchange of information and interactions among NGOs will be facilitated. Opportunities will be provided for orientation and training of manpower. Transparency, accountability, simplification of procedures and timely release of grants to voluntary organizations will ensure better services. The grant-in-aid policy will provide incentives to encourage organization to raise their own resources and not become dependent only on government funding for providing services on a sustainable basis.

74. Trusts, charities, religious and other endowments will be encouraged to expand their areas of concern to provide services to the elderly by involving them on ageing issues.

75. Older persons will be encouraged to organize themselves to provide services to fellow senior citizens thereby making use of their professional knowledge, expertise and contacts. Initiatives taken by them in advocacy, mobilization of public opinion raising of resources and community work will be supported.

76. Support will be provided for setting up volunteer programmes which will mobilize the participation of older persons and others in community affairs, interact with the elders and help them with their problems. Volunteers will be provided opportunities for training and orientation on handling problems of the elderly and kept abreast of developments in the field to promote active ageing. Volunteers will be encouraged to assist the home bound elderly, particularly frail and elderly women and help them to overcome loneliness.

77. Trade unions, employers organizations and professional bodies will be approached to organize sensitivity programmes for their members on ageing issues, and promote and organize services for superannuated workers.

Realizing the Potential

78. The National Policy recognizes that 60+ phase of life is a huge untapped resource. Facilities will be made available so that this potential is realized and individuals are enabled to make the appropriate choices.

79. Older persons, particularly women, perform useful but unsung roles in the household. Efforts will be made to make family members appreciate and respect the contribution of older persons in the running of the household specially when women, too, are working outside the home. Special programmes will be designed and disseminated through the media targeted at older persons so that they can enrich and update their knowledge, integrate tradition with contemporary needs and transmit more effectively socio-cultural heritage to the grandchildren.

Family

80. Family is the most cherished social institution in India and the most vital non-formal social security for the old. Most older persons stay with one or more of their children, particularly when independent living is no longer feasible. It is for them the most preferred living arrangement and also the most emotionally satisfying. It is important that the familial support system continues to be functional and the ability of the family to discharge its caring responsibilities is strengthened through support services.

81. Programmes will be developed to promote family values, sensitise the young on the necessity and desirability of inter-generational bonding and continuity and the desirability of meeting filial obligations. Values of caring and sharing need to be reinforced. Society will need to be sensitized to accept the role of married daughters in sharing the responsibility of supporting older parents in the light of changing context where parents have only one or two children, in some situations only daughter. This would require some adjustment and changes in perceptions of in-laws in regard to sharing of caring responsibilities by sons and daughters as a corollary to equal rights of inheritance and the greater emotional attachment that daughters have with their parents.

82. State policies will encourage children to co-reside with their parents by providing tax relief, allowing rebates for medical expenses and giving preference in the allotment of houses, persons will be encouraged to go in for long term savings instruments and health insurance during their earning days so that financial load on families can be eased. NGOs will be encouraged and assisted to provide services which reach out to older persons in the home or in the community. Short term stay-in facilities for older persons will be supported so that families can get some relief when they go out. Counselling services will be strengthened to resolve inter-familial stresses.

Research

83. The importance of a good data base on older persons is recognised. Research activity on ageing will require to be strengthened. Universities, medical colleges and research institutions will be assisted to set up centres for gerontological studies and geriatrics. Corporate bodies, Banks, Trusts and Endowments will be requested to institute Chairs in Universities and medical colleges in gerontology and geriatrics. Funding support will be provided to academic bodies for research projects on ageing. Superannuated scientists will be assisted so that their professional knowledge can be utilized.

84. An interdisciplinary coordinating body on research will be set up. Data collecting agencies will be requested to have a separate age category 60 years and above. Professional associations of gerontologists will be assisted to strengthen research activity, disseminate research findings and provide a platform for dialogue, discussion, debate and exchange of information.

85. The necessity of a national institute of research, training and documentation is recognised. Assistance will be given for setting up resource centres in different part of the country.

Training of Manpower

86. The policy recognizes the importance of trained manpower. Medical colleges will be assisted to offer specialization in geriatrics. Training institutions for nurses and for the paramedical personnel need to introduce specific courses on geriatric care in their educational and training curriculum. In service training centres will be strengthened to take up orientation courses on geriatric care. Assistance will be provided for development of curriculum and course material. Schools of Social Work and University Departments need to give more attention in their organization of services for them. Facilities will be provided and assistance given for training and orientation of personnel of non-governmental organizations providing services to older persons. Exchange of training personnel will be facilitated.

87. Assistance will be given for development and organization of sensitization programmes on ageing for legislative, judicial and executive wings at different levels.

Media

88. The National Policy recognizes that media have a very important role to play in highlighting the changing situation of older persons and in identifying emerging issues and areas of action. Creative use of media can promote the concept of active ageing and help dispel stereotypes and negative images about this stage of the life cycle. Media can also help to strengthen inter-generation bonds and provide individuals, families and groups with information and educational material which will give better understanding of the ageing process and of ways to handle problems as they arise.

89. The Policy aims to involve mass media as well as informal and traditional communication channels on ageing issues. It will be necessary to provide opportunities to media personnel to have access to information apart from their own independent sources of information and reporting of field situations. Their participation in orientation programmes on ageing will be facilitated. Opportunities will be extended for greater interaction between media personnel and persons active in the field of ageing.

III. IMPLEMENTATION

90. The National Policy on Older Persons will be very widely disseminated for which an action plan will be prepared so that its features remain in constant public focus.

91. The Policy will make a change in the lives of senior citizens only if it is implemented. While the government and its principal organs have some basic responsibilities in the matter, other institutions as well as individuals with need to consider how they can play their respective roles for the well-being of older persons. Collaborative action will go a long way in achieving a more humane society which gives older persons their legitimate place. Apex level organisations of older persons have special responsibilities in this regard so that they can function as a watchdog, energies continuing action, mobilize public opinion and generate pressure for implementation of the Policy.

92. The Ministry of Social Justice and Empowerment will be the nodal Ministry to coordinate all matters relating to the implementation of the Policy. A separate bureau of older persons will be set up. An Inter-Ministerial Committee will coordinate matters relating to implementation of the National Policy and monitor its progress. States will be encouraged to set up separate Directorates of Older Persons and set up machinery for coordination and monitoring.

93. Five year and Annual Action Plans will be prepared by each Ministry to implement aspects which concern them. These will indicate steps to be taken to ensure flow of benefits to older persons from general programmes and from schemes specially formulated for their well-being. Targets will be set within the framework of a time schedule. Responsibility for implementation of action points will be specified. The Planning Commission and the Finance Ministry will facilitate budgetary provisions required for implementation. The Annual Report of each Ministry will indicate progress achieved during the year.

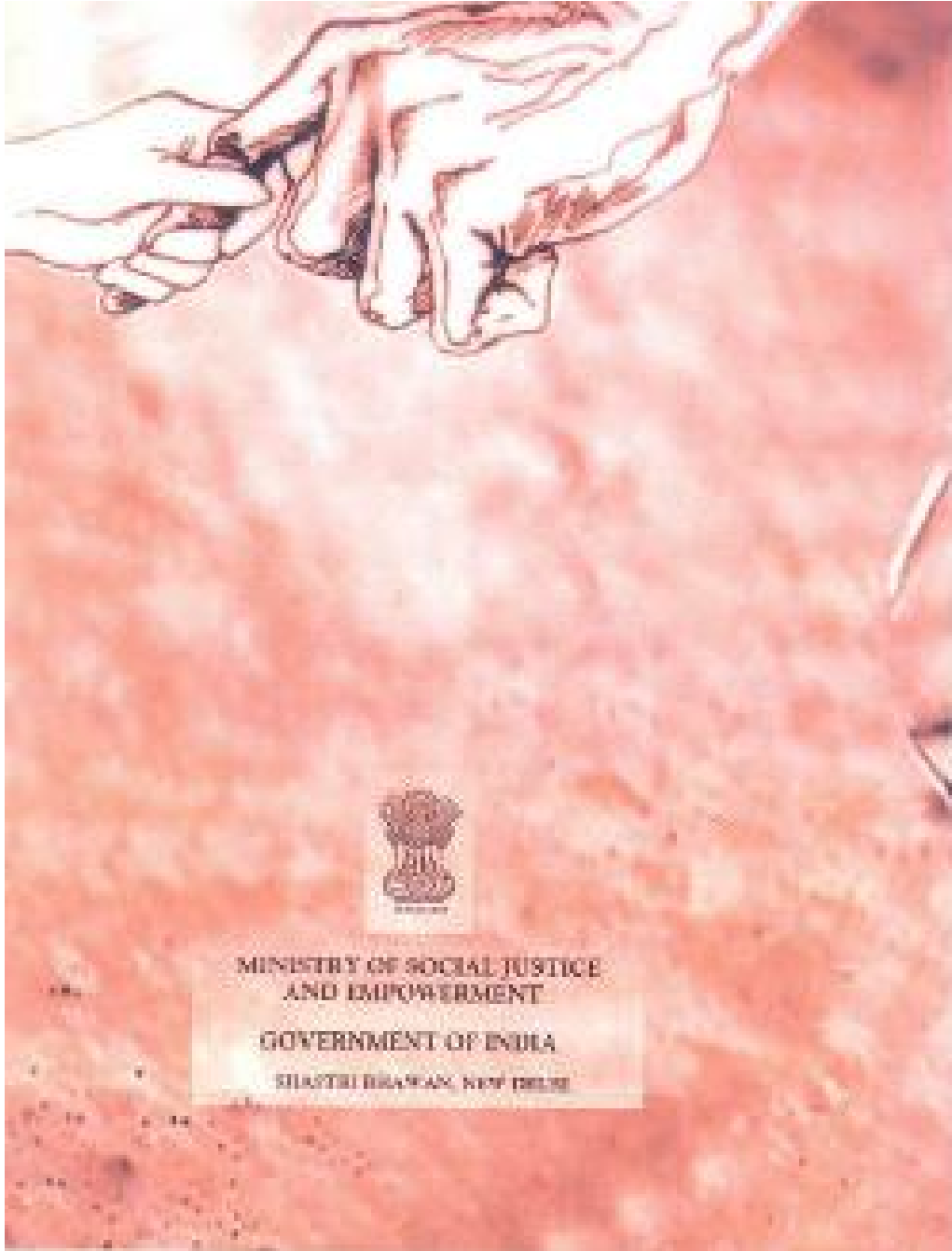
94. Every three years a detailed review will be prepared by the nodal Ministry on the implementation of the National Policy. There will be non-official participation in the preparation of the document. The review will be a public document. It will be discussed in a National Convention. State Governments and Union Territory Administrations will be urged to take similar action.

95. An autonomous National Council for Older Persons headed by the Minister for Social Justice and Empowerment will be set up to promote and co-ordinate the concerns of older persons. The Council will include representatives of relevant Central Ministries and the Planning Commission. Five States will be represented on the Council by rotation. Adequate representation will be given to non-official members representing Non-Government Organisations, Academic Bodies, Media and Experts on Ageing issues from different fields.

96. An autonomous registered National Association of Older Persons (NAOPS) will be established to mobilize senior citizens, articulate their interests, promote and undertake programmes and activities for their well being and to advise the Government on all matters relating to the Older Persons. The Association will have National, State and District level offices and will choose its own bearers. The Government will provide financial support to establish the National and State level offices while the District level offices will be established by the Association from its own resources which may be raised through Membership, subscriptions, donations and other admissible means. The Government will also provide financial assistance to the National and State level offices to cover both recurring as well as non-recurring administrative costs for a period of 15 years and thereafter the Association is to be expected to be financially self-sufficient.

97. Panchayati Raj institutions will be encouraged to participate in the implementation of the National Policy, address local level issues and needs of the ageing and implement programmes for them. They will provide Forums for discussing concerns of older persons and activities that need to be taken. Such forums will be encouraged at Panchayat, block and district level. They will have adequate representation of older women. Panchayats will mobilize the talents and skills of older persons and draw up plans for utilizing these at the local level. Amongst others, the help of the Social Justice Committees of the village panchayats will be taken to advocate different measures for giving effect to the Policy.

98. In order to ensure effective implementation of the Policy at different levels, from time to time the help of experts of public administrations shall be taken to prepare the details of the organizational set up for the implementation, coordination and monitoring of the Policy.



Bill No. 374 of 2019

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR
CITIZENS (AMENDMENT) BILL, 2019

A

BILL

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

BE it enacted by Parliament in the Seventieth 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, 2019.

Short title
and
Commencement.

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

56 of 2007.

2. In the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the principal Act), for the long line, the following long line shall be substituted, namely:—

Amendment of
long line.

"An Act to give effect to the provisions for the welfare of parents and senior citizens as guaranteed and recognised under the Constitution by providing for the maintenance and welfare of parents and senior citizens, ensuring their overall physical and mental well-being, establishment, management and regulation of institutions for senior citizens and services therefor and for other matters connected therewith or incidental thereto; 5

Amendment
of section 2.

3. In section 2 of the principal Act,—

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:—

'(a) "children", in relation to a parent or a senior citizen, means his son or daughter, whether biological, adoptive or step-child and includes his son-in-law, daughter-in-law, grandson, grand-daughter and the legal guardian of minor children, if any; 10

(aa) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(ab) "Conciliation Officer" means the person referred to in sub-section (6) of section 6; 15

(ac) "local body" means the Municipality as defined in clause (e) of article 243P of the Constitution or, as the case may be, the Panchayat as defined in clause (d) of article 243 thereof;

(b) "maintenance" includes provision for food, clothing, housing, safety and security, medical attendance, healthcare and treatment necessary to lead a life of dignity;'; 20

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

'(ba) "Maintenance Officer" means an officer designated as such by the State Government under sub-section (1) of section 18;';

(iii) after clause (c), the following clauses shall be inserted, namely:— 25

'(ca) "Multi-Service Day Care Centre for Senior Citizens" means an institution registered as such under sub-section (2) of section 19, established or maintained by the Government or a local body or an organisation for providing day-care facilities, including healthcare, peer interaction, recreation and entertainment to senior citizens; 30

(cb) "Nodal Officer for Senior Citizens" means a police officer designated as such by the State Government under sub-section (2) of section 22;

(cc) "organisation" includes any voluntary or private or non-Governmental organisation or a society or trust registered under any law for the time being in force;'; 35

(iv) for clauses (d) and (e), the following clauses shall be substituted, namely:—

'(d) "parent" means father or mother, whether biological, adoptive or step-parent and includes father-in-law, mother-in-law and grandparents, whether or not a senior citizen;

(e) "prescribed" means prescribed by rules made under this Act;'; 40

(v) in clause (g), for the words "citizen who is not a minor and is", the words "citizen, including a minor through his legal guardian, who is" shall be substituted;

(vi) after clause (h), the following clause shall be inserted, namely:—

'(ha) "Senior Citizens' Care Home" means an institution registered as such under sub-section (2) of section 19, established or maintained by the Government 45

or a local body or an organisation for providing residential facilities to senior citizens for their care and welfare;';

(vii) for clause (k), the following clause shall be substituted, namely:—

5 (k) "welfare" means provision for food, clothing, housing, safety and security, medical attendance, healthcare, treatment, recreation and other amenities necessary for the physical and mental well being of parents and senior citizens.'

4. For section 4 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 4.

10 "4. (1) A parent or a senior citizen who is unable to maintain himself to lead a life of dignity from his own earning, including earning from any property owned by him, and is either not maintained by his children or relatives or is neglected by them, shall be entitled to make an application for maintenance under section 5.

Maintenance of parents and senior citizens.

(2) The obligation of the children to maintain a parent extends to such needs of the parent as are necessary for him to lead a life of dignity.

15 (3) The obligation of a relative to maintain a childless senior citizen extends to such needs of the senior citizen as are necessary for him to lead a life of dignity provided such relative has sufficient means to do so and is either in possession of, or shall inherit, the property of such senior citizen after his death:

20 Provided that where more than one relative is in possession of, or shall inherit, the property of a childless senior citizen, the obligation of such relatives shall be in proportion in which they are in possession of, or shall inherit, the property."

5. In section 5 of the principal Act, for sub-sections (1) to (5), the following sub-sections shall be substituted, namely:—

Amendment of section 5.

25 "(1) An application for maintenance under section 4 may be made to the Tribunal in person or by registered post or online or by any other means, by—

(a) a parent or senior citizen, as the case may be, against one or more children as defined in clause (a) of section 2; or

(b) a childless senior citizen, against one or more relatives as defined in clause (g) of section 2,

30 and if such parent or senior citizen is incapable so to do, he may authorise any other person or organisation to make such application on his behalf or the Tribunal may also take *suo motu* cognizance of such matter.

35 (2) On receipt of an application for maintenance under sub-section (1), the Tribunal may, after giving notice of the application to the children or relative, as the case may be, and after giving the parties an opportunity of being heard, hold an inquiry for determining the maintenance in accordance with the provisions of section 6.

40 (3) During the pendency of the proceeding for maintenance, the Tribunal may, by order, direct the children or relative to pay such monthly allowance towards the interim maintenance of such parent or senior citizen, as may be determined by it from time to time.

(4) Every application under sub-section (1) shall be disposed of by the Tribunal within a period of ninety days from the date of receipt of such application:

45 Provided that in case of senior citizens who are eighty years or above, such application shall be disposed of within a period of sixty days:

Provided further that in exceptional circumstances and for reasons to be recorded in writing, the Tribunal may extend such period only once for a maximum period of thirty days.

(5) Where an application under sub-section (1) is filed against one or more children or relatives, such children or relative may implead any other person who is liable to maintain the parent or senior citizen, as the case may be." 5

Amendment
of section 6.

6. In section 6 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The proceedings referred to in section 5 may be taken against the children or relatives in the district where—

(a) the parent or senior citizen resides or has last resided; or 10

(b) any of the children or relatives reside.";

(ii) in sub-section (3), for the words and figures "as provided under the Code of Criminal Procedure, 1973", the words "as provided under the Code" shall be substituted; 2 of 1974.

(iii) in sub-section (4),—

(a) in the opening portion, for the words "an order for payment of maintenance is proposed to be made", the words and figure "the application under section 5 has been filed" shall be substituted; 15

(b) in the proviso, for the words "an order for payment of maintenance is proposed to be made is", the words, brackets and figure "process has been issued under sub-section (2), are" shall be substituted; 20

(iv) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) The Tribunal may, for assisting and persuading the parties to arrive at amicable settlement, refer the proceedings under section 5 to a Conciliation Officer, nominated by the Tribunal in such manner as may be prescribed, and such Conciliation Officer shall submit his findings within fifteen days from the date of his nomination and in case of any amicable settlement, the Tribunal shall pass an order to that effect." 25

Amendment
of section 7.

7. In section 7 of the principal Act, in sub-section (1), for the words "order for maintenance", the words "application filed" shall be substituted.

Amendment
of section 8.

8. In section 8 of the principal Act, in sub-section (2), for the words and figures "the Code of Criminal Procedure, 1973", the words "the Code" shall be substituted. 30
2 of 1974.

Substitution of
new section
for section 9.

9. For section 9 of the principal Act, the following section shall be substituted, namely:—

Order for
maintenance.

"9. (1) The Tribunal may, on being satisfied of the neglect or refusal on part of the children or the relative, as the case may be, to maintain a parent or senior citizen who is unable to maintain himself to lead a life of dignity, pass an order for maintenance directing such children or relative to provide such monthly allowance, other resources and care for the maintenance of the parent or senior citizen, as it may, from time to time, determine. 35

(2) While determining the maintenance, the Tribunal may take into consideration the standard of living of the parent or senior citizen and the earnings of such parent or senior citizen and of the children or relative. 40

(3) The order for maintenance shall be enforceable from the date of such order or, if so ordered by the Tribunal, from the date of the application.

(4) A copy of the order for maintenance shall be—

(i) made available free of cost to the parent or senior citizen, as the case may be;

(ii) posted on the Notice Board of the Tribunal;

(iii) made available online on the website of the concerned Department of the State; and

(iv) provided to the Maintenance Officer.

(5) Where an order for maintenance is made against more than one person, the death of one of them shall not affect the liability of the others to continue providing the maintenance."

10. In section 10 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—

Amendment
of section 10.

"(I) On proof of misrepresentation or mistake of fact or any change in the circumstances of the parent or senior citizen receiving maintenance under section 9, the Tribunal may make such alteration in the order for maintenance, as it deems fit."

11. In section 11 of the principal Act,—

Amendment
of section 11.

(i) for sub-section (I), the following sub-section shall be substituted, namely:—

"(I) An order for maintenance may be enforced by the Tribunal in any place where the person against whom it is made resides, on being satisfied as to the identity of the parties and non-compliance of such order.";

(ii) in sub-section (2), for the words and figures, "Code of Criminal Procedure, 1973 and shall be executed in the manner prescribed for the execution of such order by that Code", the words "the Code and shall be executed in the manner prescribed by the Code for the execution of such order" shall be substituted;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) If the children or relative against whom an order for maintenance is passed under section 9 fails to comply with such order without sufficient cause, the Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application is made by the parent or the senior citizen to the Tribunal to levy such amount.

(4) If the children or relatives, as the case may be, fails to pay the fine levied under sub-section (3), the Tribunal may sentence him to imprisonment for a term which may extend to one month or until the payment is made, whichever is earlier."

12. In section 12 of the principal Act, the following provisos shall be inserted, namely:—

Amendment
of section 12.

"Provided that where any application for maintenance under Chapter IX of the Code is pending before any Court prior to the date of commencement of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2019, the Court may, on the request of the parent or senior citizen, allow withdrawal of such application and such parent or senior citizen shall be entitled to file an application for maintenance before the Tribunal under this Act:

Provided further that such application filed before the Tribunal shall be deemed to have been filed from the date when such application was filed before the Court."

Amendment of section 13.	<p>13. In section 13 of the principal Act, for the words "within thirty days", the words "within fifteen days" shall be substituted.</p>	
Amendment of section 16.	<p>14. In section 16 of the principal Act,—</p> <p>(i) in sub-section (1),—</p> <p style="padding-left: 40px;">(a) in the opening portion, after the words "senior citizen or a parent", the words "or any of the children or relatives" shall be inserted;</p> <p style="padding-left: 40px;">(b) in the first proviso, after the word "parent", the words "senior citizen" shall be inserted;</p> <p style="padding-left: 40px;">(ii) in sub-section (6), after the words "receipt of an appeal", the words "and in exceptional circumstances and for reasons to be recorded in writing, within a further period of thirty days" shall be inserted.</p>	5 10
Amendment of section 18.	<p>15. In section 18 of the principal Act,—</p> <p>(i) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(1) The State Government shall designate an officer in the rank of District Social Welfare Officer or an officer of equivalent rank from any related Department of the State or the Block level Officer or the Tehsildar as Maintenance Officer for the purposes of this Act.";</p> <p>(ii) in sub-section (2), for the words "shall represent a parent", the words "may represent a parent or a senior citizen" shall be substituted;</p> <p>(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(3) It shall be the duty of the Maintenance Officer to ensure that the order for maintenance passed under section 9 is complied with, and in case of its non-compliance, he may take such steps as may be necessary for the compliance of such order.</p> <p style="padding-left: 40px;">(4) The Maintenance Officer shall be a point of contact for the parent or senior citizen to liaison and co-ordinate with them."</p>	15 20 25
Amendment of heading of CHAPTER III.	<p>16. In the principal Act, for the heading of CHAPTER III, the following heading shall be substituted, namely:—</p> <p style="padding-left: 40px;">"ESTABLISHMENT AND MANAGEMENT OF SENIOR CITIZENS' CARE HOMES AND MULTI-SERVICE DAY CARE CENTRES FOR SENIOR CITIZENS".</p>	
Substitution of new section for section 19.	<p>17. For section 19 of the principal Act, the following section shall be substituted, namely:—</p>	30
Senior Citizens' Care Homes and Multi-Service Day Care Centre for Senior Citizens.	<p>"19. (1) The Government or an organisation may establish or maintain Senior Citizens' Care Homes for providing residential facilities for the care of senior citizens or Multi-Service Day Care Centre for Senior Citizens for providing day care facilities for senior citizens.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, all such institutions established and maintained as Senior Citizens' Care Homes or as Multi-Service Day Care Centre for Senior Citizens shall be registered with the Registration Authority referred to in sub-section (3).</p> <p>(3) The State Government shall designate a Registration Authority for registration of institutions under this Act in such manner as may be prescribed.</p>	35 40

(4) Every institution registered under this Act shall provide necessary amenities specified under sub-section (5) and if it fails to do so, the State Government may cancel or withhold registration of such institution, after following such procedure as may be prescribed.

5 (5) The Central Government shall prescribe minimum standards for establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres and for the food, infrastructure, medical facilities, recreation, staff, safety and security and such other matters as may be necessary.

10 (6) The State Government shall designate such authority, as it deems fit, as the Regulatory Authority to monitor the functioning of the institutions registered under this Act through regular inspections or social audit to ensure that the Minimum Standards are adhered to."

15 **18.** In the principal Act, in the heading of CHAPTER IV, for the word "MEDICAL", the word "HEALTHCARE" shall be substituted.

Amendment of heading of CHAPTER IV.

19. For section 20 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections 20 and 20A for section 20. Healthcare for senior citizens.

"20. The Government shall ensure that,—

(i) all hospitals, whether fully or partially funded by the Government or private healthcare institutions, provide beds for senior citizens as far as possible;

(ii) separate queues are earmarked for senior citizens in all healthcare and allied institutions;

(iii) facilities for treatment of chronic, terminal and degenerative diseases are expanded for senior citizens;

(iv) research and development in geriatric sciences is undertaken;

(v) facilities are earmarked for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care and other objectives and outcomes of National and State level programmes for geriatric healthcare are monitored and achieved;

(vi) necessary measures are taken to provide barrier-free access for senior citizens in all healthcare and allied institutions.

20A. (1) The Government or an organisation may provide homecare services for such senior citizens who suffer from difficulties in performing activities of daily life due to any physical or mental impairment.

Homecare services for senior citizens.

(2) The institutions providing such homecare services shall engage trained and certified attendants or caregivers for the senior citizens as per their needs.

(3) Institutions providing training, certification and homecare services shall be registered as service provider with the Registration Authority referred to in section (3) of section 19."

40 **20.** In the principal Act, for the heading of CHAPTER V, the following heading shall be substituted, namely:—

Amendment of heading of CHAPTER V.

"PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZENS AND OTHER WELFARE MEASURES".

21. In section 21 of the principal Act, for clauses (i), (ii) and (iii), the following clauses shall be substituted, namely:—

Amendment of section 21.

45 (i) the provisions of the Act and measures for the well-being of senior citizens are given wide publicity through various means;

	(ii) the officers of the Central Government and of the State Government, including the members of Civil Defence Corps and Home Guards, police officers and members of judicial service are given periodic sensitisation and awareness training on the provisions of this Act and the issues relating thereto."	
Insertion of new section 21A.	22. After section 21 of the principal Act, the following section shall be inserted, namely:—	5
Action plan for senior citizens.	"21A. (1) The State Government shall prepare and implement a comprehensive action plan for the welfare of senior citizens including for protection of their life and property. (2) The State Government shall take all measure to ensure effective co-ordination between the services provided by the concerned Ministries or Departments, non-Governmental organisations and other stakeholders to address the issues relating to the welfare of the senior citizens and that periodical review of the same is conducted."	10
Amendment of section 22.	23. In section 22 of the principal Act, for sub-section (2), the following sub-sections shall be inserted, namely:—	15
	"(2) In every police station, at least one officer, not below the rank of Assistant Sub-Inspector possessing aptitude, appropriate training and orientation shall be designated as the Nodal Officer for senior citizens to deal with issues relating to parents and senior citizens. (3) The State Government shall constitute a Special Police Unit for senior citizens in each district to co-ordinate the functions of police in respect of parents and senior citizens and such Unit shall be headed by a police officer not below the rank of Deputy Superintendent of Police and consist of the Nodal Officers for senior citizens designated under sub-section (2) and two social workers having experience of working in the field of senior citizens, of whom one shall preferably be a woman."	20 25
Amendment of section 23.	24. In section 23 of the principal Act, for the words "senior citizen", wherever they occur, the words "parent or senior citizen" shall be substituted.	
Insertion of new section 23A.	25. After section 23 of the principal Act, the following section shall be inserted, namely:—	
Other welfare measures for senior citizens.	"23A. (1) The Central Government and the State Government shall take suitable measures to create more accessible and age-friendly environment, transportation, information and communications and other public facilities including separate queues for senior citizens. (2) The State Government shall establish and maintain helpline for safety and security of senior citizens having one common number across the nation and it shall be linked to healthcare facilities, police department and other related agencies. (3) The Government may undertake welfare measures for the benefit of senior citizens and any benefit for elderly persons made available by the Government or semi-Government or organisation shall also be available to senior citizens who are sixty years and above: Provided that the provisions of this section shall not have any effect on any benefits extended by the Government or semi-Government or organisations to any person below sixty years."	30 35 40
Substitution of new section for section 24.	26. For section 24 of the principal Act, the following section shall be substituted, namely:—	45
Abuses and abandonment of senior citizen.	'24. Whoever, having the care or protection of a parent or senior citizen, intentionally abuses or abandons such parent or senior citizen, shall be punishable	

with imprisonment for a term which shall not be less than three months, but which may extend to six months or with fine up to ten thousand rupees or with both.

Explanation.—For the purposes of this section, the term "abuse" includes physical abuse, verbal and emotional abuse and economic abuse, neglect and abandonment causing assault, injury, physical or mental suffering."

27. After section 28 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 28A and 28B.

28A. The details of the institutions registered under sub-section (3) of section 19 or, as the case may be, under sub-section (3) of section 20A shall be made available by the State Government by placing it on the website of concerned Department of that State.

Obligation of State Government to place details of registered institutions on website.

28B. The institutions registered under sub-section (3) of section 20A shall be accredited for quality of services by accreditation agencies authorised under any law for the time being in force."

Accreditation of institutions.

28. For section 29 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 29.

"29. (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 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.

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2019.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before each House of Parliament."

29. In section 32 of the principal Act,—

Amendment of section 32.

(a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that the Central Government may frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State *mutatis mutandis* until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules."

(b) in sub-section (2),—

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

"(a) the manner of nominating Conciliation Officer under sub-section (6) of section 6;

(aa) the manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8;"

(ii) after clause (d), the following clauses shall be inserted, namely:—

"(da) the manner of designating Registration Authority under sub-section (3) of section 19;

(db) the procedure for cancellation or withholding of registration of institutions under sub-section (4) of section 19;

(dc) the minimum standards for the establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres and for the food, infrastructure, medical facilities, recreation, staff, safety and security and other matters under sub-section (5) of section 19;"

STATEMENT OF OBJECTS AND REASONS

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted on 29th December, 2007 to ensure need based maintenance for parents and senior citizens and their welfare. It's been more than a decade now that the Act is in place, serving the needy parents and senior citizens, with the active co-operation of the State Governments and Union territory Administrations.

2. However, with the gradual breakdown of joint family system in the society, number of cases of neglect, crime, exploitation and abandonment of parents and senior citizens are in the rise. Various High Courts have also issued orders directing the Government to review provisions of the Act.

3. After examining various provisions of the Act, the Group of Secretaries have made recommendations to extend all the benefits to senior citizens of uniform age, to enhance maintenance amount for senior citizens and standardisation of homecare services. Besides, petitions and representations have been received from individuals and institutions requesting to make certain modifications in the Act, including to bring daughter-in-law and son-in-law within the ambit of the definition of 'children', to provide punishment for abuse of parents and senior citizens. It is, therefore, decided to revise various provisions of the said Act and to incorporate new provisions therein to make the Act more comprehensive and helpful to the greying population.

4. The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019 seeks to —

(a) expand the scope of the Act by modifying the definitions of 'children', 'parents', 'maintenance', 'welfare' and 'senior citizens', to enable parents and senior citizens to lead a life of dignity;

(b) enlarge the mode of submission of application for maintenance by the parents or senior citizens;

(c) provide for expeditious disposal of maintenance applications with special preference to the applications of senior citizens above eighty years of age, so as to enable parents or senior citizens to receive necessary relief;

(d) remove the upper limit of rupees ten thousand as monthly maintenance amount that may be awarded by the Tribunal;

(e) extend the right to file appeal to children and relatives also who are aggrieved by the order of the Maintenance Tribunal, if they continue to pay the maintenance amount as ordered by the Maintenance Tribunal;

(f) provide for registration of Senior Citizens' Care Homes, Multi-Service Day Care Centre for Senior Citizens and Institutions providing Homecare Services for Senior Citizens and their minimum standards;

(g) constitute Special Police Unit for Senior Citizens in each district and appoint Nodal Officers for Senior Citizens in every Police Station;

(h) maintain Helpline for senior citizens; and

(i) provide stringent punishment to those who abuse or abandon parents or senior citizens.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 6th December, 2019.

THAAWARCHAND GEHLOT.

Notes on clauses

Clause 3 of the Bill provides for definitions of certain expressions including "children", "maintenance", "parent", etc.

Clause 4 of the Bill seeks to substitute a new section for section 4 which provides for maintenance of parents and senior citizens and obligation of children and relatives to maintain them.

Clause 5 of the Bill seeks to amend section 5 to expand the mode of filing application before the Tribunal for maintenance.

Clause 6 of the Bill seeks to amend section 6 *inter alia* to empower the Tribunal to refer the proceedings to the Conciliation Officers.

Clause 7 of the Bill seeks to amend section 7 to substitute the words 'order for maintenance' with the words 'application filed'.

Clause 8 of the Bill seeks to amend section 8 to substitute the words 'the Code' with the words 'the Code of Criminal Procedure, 1973'.

Clause 9 of the Bill proposes to substitute a new section for section 9 which provides manner of determining maintenance by the Tribunal.

Clause 10 of the Bill seeks to substitute sub-section (1) of section 10 to provide for making alteration in the order for maintenance passed by the Tribunal.

Clause 11 of the Bill seeks to amend section 11 to provide for the enforcement of order of maintenance.

Clause 12 of the Bill seeks to amend section 12 so as to insert a proviso therein to enable the parent or senior citizen to withdraw the application pending before any court and to file the same before the Tribunal and such application shall be deemed to have been filed from the date when such application was filed before the court.

Clause 13 of the Bill seeks to amend section 13 to substitute the words 'within fifteen days' with the words 'within thirty days'.

Clause 14 of the Bill seeks to amend section 16 to enable the children or relatives of parent or senior citizens to file appeal against the order of the Tribunal.

Clause 15 of the Bill seeks to amend section 18 to provide for appointment of the Maintenance Officer.

Clause 16 of the Bill seeks to amend heading of chapter III as 'Establishment and Management of Senior Citizens' Care Homes and Multi Service day Care Centres for Senior Citizens'.

Clause 17 of the Bill seeks to substitute section 19 with a new section to provide for setting up and management of Senior Citizens' Care Homes and Multi Service day Care Centres for Senior Citizens'.

Clause 18 of the Bill seeks to amend heading of chapter IV to substitute the word 'Medical' with the word 'Healthcare'.

Clause 19 of the Bill seeks to substitute section 20 with a new section to provide for the healthcare of senior citizens and for homecare services for senior citizens.

Clause 20 of the Bill seeks to amend heading of Chapter V as 'Protection of Life and Property of senior citizens and other welfare measures'.

Clause 21 of the Bill seeks to amend section 21 to provide for giving wide publicity to the provisions of the Act and measures for the well-being of the senior citizens and also to sensitise the officers of the Central Government and the State Government.

Clause 22 of the Bill seeks to insert a new section 21A to provide for Action Plan for Senior Citizens.

Clause 23 of the Bill seeks to amend section 22 to provide for designation of Nodal Officer for senior citizens to deal with issues relating to parents and senior citizens in every police stations and to constitute a Special Police Unit for senior citizens in each district to coordinate the functions of police in respect of parents and senior citizens.

Clause 24 of the Bill seeks to amend section 23 to substitute the words 'senior citizens', wherever they occur, with the words 'parent or senior citizen'.

Clause 25 of the Bill seeks to insert a new section 23A to provide for other welfare measures for senior citizens.

Clause 26 of the Bill seeks to substitute section 24 with a new section to provide punishment for the abuse or abandonment of the senior citizen.

Clause 27 of the Bill seeks to insert new sections 28A and 28B to provide for obligation of State Governments to place details of registered institutions on website and accreditation of institutions, respectively.

Clause 28 of the Bill seeks to substitute a new section for section 29 to provide for power to remove difficulties.

Clause 29 of the Bill seeks to amend section 32 to empower the Central Government to frame model rules and to empower the State Government to make rules in respect of certain matters.

FINANCIAL MEMORANDUM

Clause 17 of the Bill seeks to substitute a new section for section 19 which provides for establishment or maintenance of Senior Citizens' Care Homes for providing residential facilities for the care of senior citizens or Multi-Service Day Care Centre for Senior Citizens for providing day care facilities for senior citizens.

Clause 19 of the Bill seeks to substitute new sections 20 and 20A for section 20 section 20A provides for provisioning of homecare services to senior citizens who suffer from difficulties in performing activities of daily life due to any physical or mental impairment.

Clause 25 of the Bill seeks to insert a new section 23A which provides for creating more accessible and age-friendly environment, transportation, information and communications and other public facilities for senior citizens and for establishing and maintaining Helpline for safety and security of senior citizens.

Since these provisions will be implemented in a phased manner mostly by the State Government, it is not possible at this stage to estimate the full financial burden likely to be incurred. Further, there would be no additional requirement of fund from the Consolidated Fund of India at present. The Bill does not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (a) of clause 29 of the Bill seeks to insert a provisions in sub-section (1) of section 32 to empower the Central Government to frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State *mutatis mutandis* until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.

Sub-clause (b) of clause 29 of the Bill seeks to amend sub-section (2) of section 32 to empower the State Government to make rules to provide for (i) the manner of nominating Conciliation Officer under sub-section (6) of section 6; (ii) the manner of designating Registration Authority under sub-section (3) of section 19; (iii) the procedure for cancellation or withholding of registration of institutions under sub-section (4) of section 19; (iv) the minimum standards for the establishment and maintenance of Senior Citizens' Care Homes and Multi-Service Day Care Centres for senior citizens for the food, infrastructure, medical facilities, recreation, staff, safety and security and other matters under sub-section (5) of section 19.

The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

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

(56 OF 2007)

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

	*	*	*	*	*
Definitions.	2. (1) In this Part, unless the context otherwise requires,—				
	(a) "children" includes son, daughter, grandson and grand-daughter but does not include a minor;				
	(b) "maintenance" includes provisions for food, clothing, residence and medical attendance and treatment;				
	*	*	*	*	*
	(d) "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen;				
	(e) "prescribed" means prescribed by rules made by the State Government under this Act;				
	*	*	*	*	*
	(g) "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;				
	*	*	*	*	*
	(k) "welfare" means provision for food, healthcare, recreation centres and other amenities necessary for the senior citizens.				
	*	*	*	*	*

CHAPTER II

MAINTENANCE OF PARENTS AND SENIOR CITIZENS

Maintenance of parents and senior citizens.	4. (1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of—
	(i) parent or grand-parent, against one or more of his children not being a minor;
	(ii) a childless senior citizen, against such of his relative referred to in clause (g) of section 2.
	(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.
	(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.
	(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

5. (1) An application for maintenance under section 4, may be made—

Application for maintenance.

- (a) by a senior citizen or a parent, as the case may be; or
- (b) if he is incapable, by any other person or organisation authorised by him; or
- (c) the Tribunal may take cognizance *suo motu*.

21 of 1860. *Explanation.*—For the purposes of this section "organisation" means any voluntary association registered under the Societies Registration Act, 1860 or any other law for the time being in force.

(2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

(3) On receipt of an application for maintenance under sub-section (1), after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for determining the amount of maintenance.

(4) An application filed under sub-section (2), for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person:

Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

* * * * *

6. (1) The proceedings under section 5 may be taken against any children or relative in any district—

Jurisdiction and procedure.

- (a) where he resides or last resided; or
- (b) where children or relative resides.

* * * * *

2 of 1974. (3) For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973.

(4) All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:

Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case *ex parte*.

* * * * *

(6) The Tribunal before hearing an application under section 5 may, refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation.—For the purposes of this sub-section "Conciliation Officer" means any person or representative of an organisation referred to in *Explanation* to sub-section (1) of

section 5 or the Maintenance Officers designated by the State Government under sub-section (1) of section 18 or any other person nominated by the Tribunal for this purpose.

Constitution of Maintenance Tribunal.

7. (1) The State Government shall within a period of six months from the date of the commencement of this Act, by notification in Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.

* * * * *

Summary procedure in case of inquiry.

8. (1) *

(2) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

* * * * *

Order for maintenance.

9. (1) If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.

(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.

Alteration in allowance.

10. (1) On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under section 9, for the maintenance ordered under that section to pay a monthly allowance for the maintenance, the Tribunal may make such alteration, as it thinks fit, in the allowance for the maintenance.

* * * * *

Enforcement of order of maintenance.

11. (1) A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.

(2) A maintenance order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure, 1973 and shall be executed in the manner prescribed for the execution of such order by that Code.

2 of 1974.

* * * * *

Deposit of maintenance amount.

13. When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.

* * * * *

Appeals.

16. (1) Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

* * * * *

(6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

* * * * *

18. (1) The State Government shall designate the District Social Welfare or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.

Maintenance Officer.

(2) The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

* * * * *

CHAPTER III

ESTABLISHMENT OF OLDAGE HOMES

19. (1) The State Government may establish and maintain such number of oldage homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.

Establishment of oldage homes.

(2) The State Government may, prescribe a scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

Explanation.—For the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself.

CHAPTER IV

PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZEN

20. The State Government shall ensure that,—

Medical support for senior citizens.

(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, terminal 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 dully headed by a medical officer with experience in geriatric care.

CHAPTER V

PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN

21. The State Government shall, take all measures to ensure that—

Measures for publicity, awareness, etc., for welfare of senior citizens.

(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 sensitisation and awareness training on the issues relating to this Act;

(iii) effective co-ordination between the services provided by the concerned Ministries or Departments 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.

* * * * *

Transfer of property to be void in certain circumstances.

23. (1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in *Explanation* to sub-section (1) of section 5.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

Exposure and abandonment of senior citizen.

24. Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.

* * * * *

Power to remove difficulties.

29. If any difficulty arises in giving effect to the provisions of this Act, the State 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:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

* * * * *

Power of State Government to make rules.

32. (1) * * * * *

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8;

* * * * *

LOK SABHA

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BILL

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

(Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment)

MGIPMRND—4172LS(S3)—06-12-2019.

Details of the Senior Citizen Care Homes/Old Age Homes, as collected by the Ministry from State Governments during 2019

S.NO	STATES	OLD AGE HOMES/SENIOR CITIZEN CARE HOMES
1.	Andhra Pradesh	01 Home for the Aged and Disabled is functioning in Krishna District under Department of Welfare of Differently abled, with strength of 65 inmates. Government of Andhra Pradesh has ordered to establish 03 more Homes at Vishakhapatnam, Guntur and Ananthapuram for 100 inmates in each Home, on PPP mode.
2.	Bihar	Running old age homes 'Sahara' in 7 Districts namely Purnia, Patna, Gaya, Bhagalpur, Rohtas, West Champaran and Begusarai. In addition to these seven, approval has been obtained for running old Age Homes in 11 more Districts i.e. Banka, Shivhar, Supol, Khagadiya, Gopalganj, Sivan, Bhojpur, Baxur, Kaimur, Navada and Jehanabad.
3.	Chhattisgarh	A total of 19 Old Age Homes through Central/ State grants and 7 OAH through their own resources.
4.	Goa	10 OAHs (5 each in North and South Goa) run by Institute of Public Assistance (Provedoria), an autonomous body of Government of Goa which has capacity of accommodating 405 inmates. In addition to the above, 32 OAHs are run by NGOs.
5.	Gujarat	A total of 28 OAHs are being given funds for running of Old Age homes in 23 districts and proposal has already been submitted for establishment of old Age Home in remaining Districts.
6.	Haryana	A total of 26 Old Age Homes run by NGOs. Only 01 OAH (Home for Old and Destitute Persons, Rewari) is being run by the State Government.
7.	Himachal Pradesh	At present, 06 OAHs are being run in the State under 'Integrated Scheme for Older Persons' of State Government of Himachal

		Pradesh.																																				
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8.	Jammu and Kashmir	<p>No Government run Old Age Home in Jammu and Kashmir.</p> <p>One OAH each for Jammu and Kashmir Division being established after enactment of J&K Maintenance and Welfare of Parents and Senior Citizens Act, 2014 and Rules, 2017.</p> <p>Government of Jammu and Kashmir provides grant in aid to 05 OAHs run by NGOs.</p> <p>There are 12 Nari-Niketans, housing Old Age Women at following places:</p> <table border="1"> <thead> <tr> <th>District</th> <th>No. of Centre(s)</th> <th>Intake Capacity</th> </tr> </thead> <tbody> <tr> <td>Jammu</td> <td>1</td> <td>55</td> </tr> <tr> <td>Kathua</td> <td>1</td> <td>30</td> </tr> <tr> <td>Udhampur</td> <td>1</td> <td>30</td> </tr> <tr> <td>Rajouri</td> <td>1</td> <td>30</td> </tr> <tr> <td>Poonchh</td> <td>2</td> <td>80</td> </tr> <tr> <td>Doda</td> <td>1</td> <td>25</td> </tr> <tr> <td>Srinagar</td> <td>1</td> <td>25</td> </tr> <tr> <td>Budgam</td> <td>1</td> <td>25</td> </tr> <tr> <td>Anantnag</td> <td>1</td> <td>25</td> </tr> <tr> <td>Baramulla</td> <td>1</td> <td>25</td> </tr> <tr> <td>Kupwara</td> <td>1</td> <td>50</td> </tr> </tbody> </table> <p>State Government of Jammu and Kashmir has further stated that due to social bonding between the families in the State and consciousness of the people, there is very less number of persons who opt to stay in the Old Age Homes, as such, there appears no need to establish Old Age Homes in all the Districts at this Stage.</p>	District	No. of Centre(s)	Intake Capacity	Jammu	1	55	Kathua	1	30	Udhampur	1	30	Rajouri	1	30	Poonchh	2	80	Doda	1	25	Srinagar	1	25	Budgam	1	25	Anantnag	1	25	Baramulla	1	25	Kupwara	1	50
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9.	Jharkhand	<p>The State has 11 Old Age Homes, running in 10 Districts, as follows:</p> <table border="1"> <thead> <tr> <th>District</th> <th>No. of OAH(s)</th> </tr> </thead> <tbody> <tr> <td>Dhandbad</td> <td>01</td> </tr> <tr> <td>Giridih</td> <td>01</td> </tr> <tr> <td>Hazaribagh</td> <td>01</td> </tr> <tr> <td>Deoghar</td> <td>01</td> </tr> <tr> <td>East Singhbhum</td> <td>01</td> </tr> </tbody> </table>	District	No. of OAH(s)	Dhandbad	01	Giridih	01	Hazaribagh	01	Deoghar	01	East Singhbhum	01																								
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		Ranchi	02					
		Garhwa	01					
		Bokaro	01					
		Khunti	01					
		Sahebganj	01					
		TOTAL	11					
10.	Karnataka	Run by NGOs under State Grant	Run by NGOs under Central Grant	Run by Individual and NGOs(Private)	Total			
		29	41	110	180			
		<p>In December 2018, the State Government has accorded approval for the establishment of OAHs at each sub-division and the process for selection of suitable NGOs for the same is on.</p> <p>Number of Old Age Homes in Karnataka, running with grant of State Government:</p>						
		<p>List of Non-Grant OAH in Karnataka:-</p> <table border="1"> <thead> <tr> <th>District</th> <th>No. of NGOs</th> <th>No. of Beneficiaries</th> </tr> </thead> </table>				District	No. of NGOs	No. of Beneficiaries
District	No. of NGOs	No. of Beneficiaries						

	Bangalore	23	627
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District	Number of OAHs under State Government Grant
Bangalore	02
Bellary	01
Belgaum	01
Bidar	01
Bagalkote	01
Vijapura	01
Chikkaballaur	01
Chikkamagalur	01
Davanagere	01
Dharwad	01
Gadag	01
Gulbarga	01
Hassan	01
Haveri	01
Kolar	01
Koppal	01
Mandya	01
Ramanagar	01
Shimoga	01
Tumkur	01
Yadagiri	01
Chamarajanagar	01
Dakshina Kannada	01
Mysore	01

		Belagavi	04	100
		Bellary	01	25
		Vijayapura	01	25
		Bagalkote	05	129
		Chithradurga	03	75
		Chamarajnaragar	01	40
		Dharawad	05	187
		Dakshina Kannada	20	1842
		Davangere	06	92
		Gadag	02	09
		Hassan	02	43
		Kodagu	02	35
		Koppala	02	50
		Mysore	11	479
		Mandya	03	75
		Tumkur	02	45
		Udupi	17	225
		Total	110	4103
11.	Kerala	A total of 16 Government Old Age Homes under Social Justice Department of Government of Kerala and 630 OAHs run by NGOs registered with Orphanage Control Board. District-wise details as below:-		
		District	No. of OAH under Social Justice Department of Kerala	No. of OAH run by NGOs
		Thiruvananthapuram	2	58
		Kollam	1	23
		Pathanamthitta	1	37
		Alappuzha	1	35
		Kottayam	1	83
		Idukki	1	30
		Ernakulam	2	126
		Thrissur	1	98
		Palakkad	1	34
		Malappuram	1	8
		Kozhikode	1	23
		Wayand	1	22
		Kannur	1	40
		Kasargod	1	13
		TOTAL	16	630
12.	Madhya Pradesh	OAHs run by the State Government through NGOs – 78		
13.	Maharashtra	Apart from the OAHs run with aid of Government of India, there are 23 Matoshree Old Age Homes, each with capacity of 100 senior citizens and run by NGOs.		

		There are 60 OAHs run by Voluntary Organisations without aid of the Government.
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14.	Odisha	There are 49 nos. of OAHs running by the NGOs with the Government of India																												
		3 of OAHs running by the NGOs with State funding in the State.																												
15.	Punjab	There is total number of 47 OAHs established in the State of Punjab, 46 of them are managed by NGOs and 01 is under the control of State Government.																												
		The State Government has prepared a grant in aid scheme to adopt the NGO run OAHs.																												
16.	Rajasthan	The State of Rajasthan has established and is running 47 OAHs in 22 districts, at an average of 02 OAHs per district.																												
		Expressions of Interest have been invited for remaining 11 districts.																												
		Details of OAHs run by Social Justice & Empowerment Department of Rajasthan are given below:																												
		<table border="1"> <thead> <tr> <th>Type of OAHs</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>Govt. OAH</td> <td>06 (operational)</td> </tr> <tr> <td>OAH run by NGO</td> <td>38</td> </tr> <tr> <td>OAH run by NGO</td> <td>03 Under IPSrC</td> </tr> </tbody> </table>	Type of OAHs	Number	Govt. OAH	06 (operational)	OAH run by NGO	38	OAH run by NGO	03 Under IPSrC																				
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01 OAH by Rajasthan Government is under process.																														
17.	Tamil Nadu	<p>A total of 53 OAHs of capacity of 25 each are being run by NGOs receiving grants under IPSrC Scheme.</p> <p>20 OAHs of capacity of 40 each are being run by NGOs receiving State Grant (2018-19).</p> <p>The State of Tamil Nadu also provides grant to NGOs for running 'Integrated Complexes' (51 in number). Each such Integrated Complex has the capacity to host 25 senior citizens and 25 destitute children.</p>																												
18.	Telangana	There are 74 registered OAHs in the State. The District-wise information is as follows:																												
		<table border="1"> <thead> <tr> <th>District</th> <th>No. of OAHs</th> </tr> </thead> <tbody> <tr> <td>Adilabad</td> <td>02</td> </tr> <tr> <td>Kothagudem</td> <td>03</td> </tr> <tr> <td>Hyderabad</td> <td>03</td> </tr> <tr> <td>Jagtial</td> <td>02</td> </tr> <tr> <td>Jangaon</td> <td>01</td> </tr> <tr> <td>Karimnagar</td> <td>09</td> </tr> <tr> <td>Khammam</td> <td>01</td> </tr> <tr> <td>Kamareddy</td> <td>01</td> </tr> <tr> <td>Mahaboobnagar</td> <td>02</td> </tr> <tr> <td>Mancherial</td> <td>03</td> </tr> <tr> <td>Medak</td> <td>04</td> </tr> <tr> <td>Medchal</td> <td>04</td> </tr> <tr> <td>Nagarkurool</td> <td>04</td> </tr> </tbody> </table>	District	No. of OAHs	Adilabad	02	Kothagudem	03	Hyderabad	03	Jagtial	02	Jangaon	01	Karimnagar	09	Khammam	01	Kamareddy	01	Mahaboobnagar	02	Mancherial	03	Medak	04	Medchal	04	Nagarkurool	04
		District	No. of OAHs																											
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		Medak	04																											
Medchal	04																													
Nagarkurool	04																													

		Nalgonda	02
		Nirmal	01

		<table border="1"> <tbody> <tr> <td>Nizamabad</td> <td>04</td> </tr> <tr> <td>Rangareddy</td> <td>08</td> </tr> <tr> <td>Rajanna-Sircilla</td> <td>03</td> </tr> <tr> <td>Sangareddy</td> <td>01</td> </tr> <tr> <td>Siddipet</td> <td>02</td> </tr> <tr> <td>Warangal (Urban)</td> <td>11</td> </tr> <tr> <td>Yadadri</td> <td>03</td> </tr> <tr> <td>TOTAL</td> <td>37</td> </tr> </tbody> </table>	Nizamabad	04	Rangareddy	08	Rajanna-Sircilla	03	Sangareddy	01	Siddipet	02	Warangal (Urban)	11	Yadadri	03	TOTAL	37										
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TOTAL	37																											
19.	Uttar Pradesh	In all the 75 districts, at least One OAHs has been opened under the UPMWPS Rule 2014 with the minimum capacity of 150 beds in collaboration with designated and reputed NGOs.																										
20.	Uttrakhand	Presently, the Government of Uttarkhand runs 01 OAH each in Chamoli and Bageshwar, with capacity of 50 inmates each.																										
		Haridwar and Dehradun have 01 OAH each, run by NGOs.																										
21.	West Bengal	01 OAH at South 24 Parganas run by the State Government.																										
		15 OAHs maintained under Integrated Programme for Senior Citizens.																										
NORTH-EAST STATES:																												
22.	Arunachal Pradesh	08 Old Age Homes in the State. The details: - 04 in Papumpare district, - 01 in Lohit district, - 01 in East Siang District, and - 01 in Kurung Kumey district.																										
23.	Assam	<p>A total of 19 OAHs in the State are getting aid under Integrated Programme for Senior Citizens.</p> <p>The Social Welfare Department of Assam provides grant to OAHs run by NGOs. District-wise numbers of such OAHs is as follows:-</p> <table border="1"> <thead> <tr> <th>District</th> <th>No. of OAH(s)</th> </tr> </thead> <tbody> <tr> <td>Guwahati</td> <td>3</td> </tr> <tr> <td>Barpeta</td> <td>3</td> </tr> <tr> <td>Bongaigaon</td> <td>1</td> </tr> <tr> <td>Dhubri</td> <td>1</td> </tr> <tr> <td>Hailakandi</td> <td>3</td> </tr> <tr> <td>Jorhat</td> <td>2</td> </tr> <tr> <td>Kamrup (M)</td> <td>7</td> </tr> <tr> <td>Kamrup (R)</td> <td>3</td> </tr> <tr> <td>Dubrugarh</td> <td>1</td> </tr> <tr> <td>Morigaon</td> <td>1</td> </tr> <tr> <td>Nalbari</td> <td>24</td> </tr> <tr> <td>TOTAL</td> <td>40</td> </tr> </tbody> </table> <p>Apart from this, a Government Destitute Home for Homeless Women (Old Age Home) is running at Kamrup district, Assam.</p> <p>Construction of an OAH is in progress at Guwahati and an OAH is proposed at Kokrajhar.</p>	District	No. of OAH(s)	Guwahati	3	Barpeta	3	Bongaigaon	1	Dhubri	1	Hailakandi	3	Jorhat	2	Kamrup (M)	7	Kamrup (R)	3	Dubrugarh	1	Morigaon	1	Nalbari	24	TOTAL	40
District	No. of OAH(s)																											
Guwahati	3																											
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Morigaon	1																											
Nalbari	24																											
TOTAL	40																											

24.	Manipur	A total of 19 OAHs are assisted under the Integrated Programme for Senior Citizens Scheme of Government of India.												
25.	Meghalaya	There are 02 OAHs (01 in Shillong, East Khasi Hills District and another in Tura, West Gario Hills District) being run through NGOs with financial aid from the State Government. The District Social Welfare Officers have been entrusted to mobilize setting up of OAHs in other districts of Meghalaya.												
26.	Mizoram	Only 1 State Government run old age home with a capacity of 10 inmates at Lungmual, Aizawl District. 01 OAH run by NGO at Chhiahtlang, Serchhip District.												
27.	Nagaland	State of Nagaland provides grant in aid to 09 OAHs in the following districts:- <table border="1" data-bbox="743 682 1182 892"> <thead> <tr> <th>District</th> <th>No. of OAH (s)</th> </tr> </thead> <tbody> <tr> <td>Sakshi, Longleng</td> <td>1</td> </tr> <tr> <td>Mokokchung</td> <td>3</td> </tr> <tr> <td>Dimapur</td> <td>3</td> </tr> <tr> <td>Kohima</td> <td>2</td> </tr> <tr> <td>Tura</td> <td>0</td> </tr> </tbody> </table>	District	No. of OAH (s)	Sakshi, Longleng	1	Mokokchung	3	Dimapur	3	Kohima	2	Tura	0
District	No. of OAH (s)													
Sakshi, Longleng	1													
Mokokchung	3													
Dimapur	3													
Kohima	2													
Tura	0													
28.	Sikkim	There are 2 old age homes (both in East Sikkim) in the state of Sikkim being run by the NGOs. State Government has proposed to construct 4 Old Age Homes (<i>Jyeshtha Nagarik Samman Kendra</i>) in all 4 districts of Sikkim.												
29.	Tripura	State Government runs 1 OAH (capacity = 50 inmates) at Narsingarh, West Tripura. The State Government has set up 104 seated pensioners awaas namely Ashray at Kunjaban Agartala since 14.3.2016. 04 NGOs run OAHs in districts namely West Tripura (2), Sepahijala(1) and North Tripura (1). Further, steps have been taken to establish one OAH each in the uncovered districts (5 out of 8).												
UNION TERRITORIES:														
30.	Andaman and Nicobar islands	The Union Territory has 1 OAH in South Andaman District and proposes to establish one old age home in North and Middle Andaman District. The UT Administration has stated that it has been felt that there is no need for establishment of an OAH in the third district of Nicobar because it is home to the Nicobari tribes since the community takes care of the aged and destitute people and traditional values do not favour establishment of OAH. As and when the need arises, necessary action will be taken.												

31.	Chandigarh	The Chandigarh Administration runs 1 OAH at Sector 15 on Free basis																				
		The Administration runs 1 OAH at Sector 43 on payment basis.																				
		Sri Sathya Sai Old Home, Sector-30, Chandigarh is run by Sri Sathya Sai Trust.																				
32.	Dadra and Nagar Haveli	At present, no OAH exists in the UT.																				
		However land has been allotted for construction of OAH at village Dapada. The construction work is under progress.																				
33.	Daman and Diu	01 OAH is functional in Daman district																				
34.	NCT of Delhi	Government of NCT of Delhi runs 2 OAHs- 01 at Bindapur with 72 inmates and 01 at Lampur with 14 inmates																				
		The UT Government has taken possession of land at Chitranjan Park, Rohini, Kanti Nagar, Pashchim Vihar, Geeta Colony, Wazirpur, Chattarpur, Janakpuri, Sarita Vihar and Vasant Kunj towards making efforts for establishing at least 01 OAH in each district, in pursuance with Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act, 2007.																				
35.	Lakshadweep	Lakshadweep Administration has informed that Lakshadweep is a small UT (with No Old Age Homes) where the citizens follow matriarchal Joint Family System. Therefore, both males and females are equally responsible in taking care of their parents/ senior citizens. So far no cases have been reported for want of OAHs. Therefore, the UT Administration has no proposal for OAH at present.																				
36.	Puducherry	Department of Social Welfare of Puducherry runs 03 OAHs, each in Puducherry, Karaikal and Mahe region.																				
		UT Administration has also licensed 07 OAHs are run by NGOs under the Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act, 2007 to take care of senior citizens.																				
		Total No. of OAHs in Puducherry are as follows:																				
		<table border="1"> <thead> <tr> <th>Region</th> <th>Govt. run OAHs</th> <th>NGO run OAHs</th> <th>No. of beneficiaries on date</th> </tr> </thead> <tbody> <tr> <td>Puducherry</td> <td>01</td> <td>04</td> <td>208</td> </tr> <tr> <td>Karaikal</td> <td>01</td> <td>02</td> <td>70</td> </tr> <tr> <td>Mahe</td> <td>01</td> <td>00</td> <td>06</td> </tr> <tr> <td>Yanam</td> <td>00</td> <td>01</td> <td>41</td> </tr> </tbody> </table>	Region	Govt. run OAHs	NGO run OAHs	No. of beneficiaries on date	Puducherry	01	04	208	Karaikal	01	02	70	Mahe	01	00	06	Yanam	00	01	41
		Region	Govt. run OAHs	NGO run OAHs	No. of beneficiaries on date																	
		Puducherry	01	04	208																	
Karaikal	01	02	70																			
Mahe	01	00	06																			
Yanam	00	01	41																			

ANNEXURE-V**Details of state-wise expenditure and beneficiaries under the Integrated Programme for Senior Citizens.****(Rs. In Lakh)**

Sl. No.	Name of State/UT	2015-16		2016-17		2017-18		2018-19		2019-20	
		Funds released	Beneficiaries	Funds released	Beneficiaries	Funds released	Beneficiaries	Funds released	Beneficiaries	Funds released	Beneficiaries
1	Andhra Pradesh	389.02	4800	647.71	5900	728.35	7790	1176.81	6295	1728.39	2075
2	Bihar	4.43	75	16.07	100	13.37	75	22.92	150	0.00	0
3	Chhattisgarh	13.85	25	0.00	0	17.95	75	9.13	25	18.26	50
4	Goa	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
5	Gujarat	0.00	0	10.51	75	21.03	200	30.74	250	94.15	375
6	Haryana	45.86	550	55.28	650	110.33	900	109.60	600	249.15	625
7	Himachal Pradesh	11.99	450	29.18	975	26.25	600	8.31	400	46.12	450
8	Jammu and Kashmir	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
9	Jharkhand	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
10	Karnataka	386.18	1565	280.62	1315	382.63	3045	410.29	1495	1281.76	3635
11	Kerala	16.62	100	24.94	200	23.01	100	54.53	200	101.64	225
12	Madhya Pradesh	29.20	150	12.43	150	28.29	175	107.39	450	105.45	275
13	Maharashtra	291.38	1760	239.32	2120	434.63	3170	833.75	3005	1304.05	3920
14	Odisha	324.40	1475	774.04	9395	730.96	5100	848.88	5120	2137.67	6375
15	Punjab	18.26	250	12.51	325	14.58	300	31.27	295	12.46	75
16	Rajasthan	16.44	75	2.24	25	22.59	75	16.28	50	53.24	250
17	Tamil Nadu	469.98	3895	639.69	6820	707.16	5155	997.41	3075	1292.64	5955
18	Telangana	47.24	275	112.93	550	133.95	1095	245.38	1000	375.18	2050
19	Uttar Pradesh	40.08	425	107.29	950	119.11	800	105.89	395	308.85	620
20	Uttarakhand	12.12	125	54.69	175	20.58	175	67.25	175	32.19	125
21	West Bengal	120.00	1875	206.55	3650	256.36	3700	267.42	2750	495.05	2600
22	A& N Island	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
23	Chandigarh	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
24	Dadra &	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0

	Nagar Haveli										
25	Daman and Diu	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
26	Lakshadweep	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
27	Delhi	60.91	6	90.62	75	154.38	100	52.78	0	36.16	75
28	Puducherry	0.00	0	0.00	0	0.00	0	1.80	25	37.11	75
29	Arunachal Pradesh	1.13	1	0.00	0	0.00	0	0.00	0	0.00	0
30	Assam	186.41	2825	180.50	5350	192.03	4045	498.22	6295	298.92	3850
31	Manipur	252.02	2025	186.94	1275	260.22	3550	566.80	2770	523.29	2200
32	Meghalaya	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
33	Mizoram	3.77	100	0.54	50	5.89	50	0.00	0	0.00	0
34	Nagaland	8.10	25	0.00	0	17.43	75	18.90	25	55.25	100
35	Sikkim	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
36	Tripura	8.67	75	14.07	75	25.58	100	25.65	75	21.72	75
	Total	2758.06	23095	3698.67	40200	4446.66*	40450	6507.40	34920	10729.6(including IDOP 120.99)	41655

* 1.53 Cr. given to NISD for NISD Building.

THE MEASURES TAKEN BY VARIOUS STATE GOVERNMENT UNDER SECTION 21 OF MWPC ACT, 2007 FOR AWARENESS GENERATION IN THEIR RESPECTIVE STATES:

S.No.	States	Action Taken (Till 2019)
1.	Andhra Pradesh	<ul style="list-style-type: none"> MWPSC Act and State Rules have been uploaded in the Department's website.
2.	Assam	<ul style="list-style-type: none"> MWPSC Act and State Rules have been uploaded in the Department's website. Details of State Council of Senior Citizens given in the Portal.
3.	Bihar	<ul style="list-style-type: none"> Awareness programmes are being conducted for the publicity of the Maintenance Act. Information regarding the Act given in the website.
4.	Chhattisgarh	<ul style="list-style-type: none"> Kalapathak Dal, a Publicizing Team in the State, includes the MWPSC Act also. Regular Training Programmes/Workshops are being conducted to create awareness of the Act. Every year, on the occasion of International Day of Older Persons (IDOP) on 1st October, Samman Samaroh for Senior Citizen is being organised.
5.	Goa	<ul style="list-style-type: none"> Copy of MWPSC Act and State Rules uploaded. Awareness about the Act is given in local channel & Newspapers on the IDOP day. Awareness programme on the Act are held in Doordarshan. Phone-in-Phone programme has been launched to create publicity on schemes and programmes of Senior Citizens. The content of the Act has been uploaded in official YouTube channel. Taluk level awareness programmes on the Act are held. Awareness through Press conference also done.
6.	Gujarat	<ul style="list-style-type: none"> Yearly awareness programme in coordination with Senior Citizens Forums held on IDOP day. District & Rural level awareness programmes through Sub-Divisional Offices are held.
7.	Haryana	<ul style="list-style-type: none"> Advertisements are given in leading Newspapers on the occasion of IDOP. MIS for monitoring the progress of the Act has been formed.
8.	Jharkhand	<ul style="list-style-type: none"> Directions have been issued to Dy. Commissioner of all Districts

		for Advertisement of the Act.
9.	Kerala	<ul style="list-style-type: none"> • Copy of MWPSA Act and State Rules uploaded on Department's website. • Awareness classes are being arranged in Maintenance Tribunal in association with Media personnel. • Camps and Adalaths for resolving petitions of senior citizens are being organised. • State-wise campaigns including Road shows, Mimes, Theme shows, Street plays are carried out by District Old Age Council. • Awareness classes in school/colleges are organised. • Publicity through booklets, banners, magazines, notice and short films are done. • Community education by counselors of Jagratha Samiti & SHGs under Kudumbashree Mission are being carried out.
10.	Madhya Pradesh	<ul style="list-style-type: none"> • Awareness generation through State level Training Programmes carried out. • Organize workshops, District level Camps, Organising IDOP in the month of October.
11.	Maharashtra	<ul style="list-style-type: none"> • State Rules has been uploaded in the website. • List of presiding Officers, Maintenance Officers, Appellate Authority are displayed in the website. • Separate website for the MWPSA Act has been created (www.sjsa.maharashtra.gov.in). Details of all Old Age Homes has been uploaded. • Hoardings are displayed at various Govt. Offices and at Public spot across the State. • Advertisement is given in Newspaper & electronic media at Railway Station, Bus stand, Government Offices, Courts, Hospitals, Schools, Colleges, Police Stations, Banks and Cinema theatres. • Letter has been issued to publish the Act and Senior citizen policies on every three months.
12.	Manipur	<ul style="list-style-type: none"> • Copies of MWPSA Act have been given to District Collectors and District Social Welfare Departments for wider circulation & for periodical review.
13.	Meghalaya	<ul style="list-style-type: none"> • Copy of State Rules uploaded in public interest and for awareness. • Awareness programme on the Act on the occasion of IDOP is organized every year. • Wide publicity is given in local media annually.
14.	Mizoram	<ul style="list-style-type: none"> • Copy of State Rules uploaded in Portal. Rules have been translated in local dialect too.

		<ul style="list-style-type: none"> • Publicity through sensitization meetings/electronic media, TV/Radio Talks & discussion were held. • Publicity of the Act is given through Mizoram Upa Pawl, an Association for the elderly persons of Mizoram. • Plan of Action to implement the MWPSA Act was prepared.
15.	Nagaland	<ul style="list-style-type: none"> • Organises legal awareness programmes in collaboration with Nagaland State Legal Authorities. • Advertisement in leading Newspapers on the occasion of IDOP by Department of Social Welfare, Nagaland. • Publicity of the Act through putting up Hoardings, Banner, Billboards, Wall writing across the State were carried out. • Radio Talks, TV shows, etc. organized. • DISHA Committee under Ministry of Rural Development is monitoring the progress of implementation of the Act.
16.	Odisha	<ul style="list-style-type: none"> • Awareness & publicity of the Act is done in the State through IDOP in all Districts. • District level Senior Citizen Committee is monitoring the implementation of the Act.
17.	Punjab	<ul style="list-style-type: none"> • Awareness Campaigns on TV/radio, distribution of Pamphlets/Booklets and installation of Board with Key provisions of the Act are being done regularly.
19.	Rajasthan	<ul style="list-style-type: none"> • Publicity through regular sensitization programmes IEC material distribution. • The State Government runs a Helpline No. 1800180 1253. • The State observes IDOP celebrated every year.
20.	Sikkim	<ul style="list-style-type: none"> • State Rule uploaded in the website. • State Council and District Committee have been notified. • State Welfare Commission was formed especially for welfare of Senior Citizens. • Sikkim State Legal Service Authority organizes awareness programmes. • One NGO is also involved for creating awareness generation and publicity upto grassroot level.
21.	Tamil Nadu	<ul style="list-style-type: none"> • District Committee for Senior Citizen has been constituted in each District to advise the Government in matters related to implementation of the Act. • A Notice Board with all information of the Act is placed in all District level Offices for wider publicity. • Pamphlets are being distributed in Collector's Mass Conduct Programme, grievance day and in local special event. • Hording is displaced in District & State level exhibitions and in

		IDOP & Elderly Abuse Awareness Day Programmes.
22.	Telangana	<ul style="list-style-type: none"> • State Council for Senior Citizens has been set up to review MWPC Act. • Awareness Programme is organised in District Social Welfare Office. • Awareness programmes by District Legal Service Authority & State Legal Services Authority are conducted. • Radio, TV, Hoardings are placed at religious places & festivals.
23.	Tripura	<ul style="list-style-type: none"> • Publicity of the provisions of the Act is done during Police-Public interface programme like PRAYAAS, a scheme of community policing in the State. • Instructions issued for sensitization of Police personnel of all ranks regarding provisions of the Act. • Legal Aid Clinics were set up in 22 Tribunals and in 8 Appellate Tribunals in association with NALSA through DLSA & SDLSCs. • 46 Panel Lawyers have been designated as Legal Service Officers for Senior Citizen Schemes. • 101 Awareness programmes were organized during 2017-18.
24.	Uttar Pradesh	<ul style="list-style-type: none"> • State Rule uploaded in the website. • U.P. State Senior Citizens Welfare Policy has been issued in 2016, which includes proper focus on the purpose of periodic sensitization/awareness/training on issues relating to Act and for effective coordination between services being provided by the concerned Ministries/Departments. • Publicity of the Act was done in all Districts, Tehsils/Thana Diwas through pamphlets & banner. • State level workshops for NGO functionaries are organised. • Publicity/Media Plan has been planned with the help of Medical & Health Departments.
25.	Uttarakhand	<ul style="list-style-type: none"> • Monthly awareness camps on MWPC Act • Instructions by Social Welfare Officers • Senior Citizens and Police interface and interacts. • Release and printing of Maintenance Application format in newspapers • Formation of Senior Citizen Welfare Council.
26.	West Bengal	<ul style="list-style-type: none"> • Awareness of the Act was done in World Elder Abuse Awareness Day and IDOP through seminars & Symposiums. • Audio visual & IEC for Mass awareness was done.
Union Territories:		
27.	Andaman & Nicobar Islands	<ul style="list-style-type: none"> • Awareness camps are held

28.	Chandigarh	<ul style="list-style-type: none"> • Publicity in Newspapers • Awareness generation camps on the Act and Welfare schemes of senior citizens were organized. • Publicity through Public Notice appears in 3 Newspapers in English, Hindi & Punjabi. • Police officials of Chandigarh Police are trained on issues relating to the Act from time-to-time.
29.	Daman & Diu	<ul style="list-style-type: none"> • MWPSA State Rules uploaded in the Portal. • Regular monitoring of the Act is done by the UT Admin. • Regular Awareness activities are conducted • Awareness is generated through hoarding at various public places.
30.	Delhi	<ul style="list-style-type: none"> • Rules available in website. • Awareness of the Act is done through Hoardings/Notice board in District Offices of Social Welfare Department and in 11 ADM & DM are in process • Newspaper advertisement of the Act • Pamphlets distribution at various conference/workshops.
31.	Lakshadweep	<ul style="list-style-type: none"> • Act has been published in Lakshadweep Official Gazette for awareness of all concerned as well as local public. • Trainings are undertaken from time-to-time.

**PROGRESS REPORT OF MAINTENANCE AND WELFARE
OF PARENTS AND SENIOR CITIZENS ACT, 2007**

S. N.	Name of State/UT	Date of Notification of Act	Appointed date of enforcement of Act in State/UT	Date of Notification of Rules	Date of Notification of Maintenance Officer	Date of Notification of Maintenance Tribunal	Date of Notification of Appellate Tribunal
1	Andhra Pradesh	22.04.2008	28.04.2008	28.12.2011	Action taken	19.08.2008	19.08.2008
2	Bihar	28.09.2011	19.10.2011	07.09.2012	09.11.2011	09.11.2011	09.11.2011
3	Chhattisgarh	26.09.2008	26.09.2008	07.05.2010	24.01.2009	24.01.2009	24.01.2009
4	Goa	23.09.2008	01.10.2008	01.10.2009	24.09.2009	24.09.2009	24.09.2009
5	Gujarat	07.10.2008	07.10.2008	19.05.2009	19.05.2009	19.05.2009	19.05.2009
6	Haryana	22.10.2008	22.10.2008	19.06.2009	28-8-2009	23-11-2010	23-11-2010
7	Himachal P.	The State has its own Act					
8	J& Kashmir	Act not applicable					
9	Jharkhand	12.04.2008	01.04.2008	2014	14.02.2009	14.02.2009	14.02.2009
10	Karnataka	27.03.2008	01.04.2008	19.11.2009	13.09.2010	19.02.2009	19.02.2009
11	Kerala	24.09.2008	24.09.2008	28.08.2009	17.08.2009	17.08.2009	17.08.2009
12	Madhya Pradesh	23.08.2008	23.08.2008	02.07.2009	02.07.2009	02.07.2009	02.07.2009
13	Maharashtra	27.02.2009	01.03.2009	23.06.2010	04.05.2010	04.05.2010	28-9-2010
14	Odisha	20.09.2008	01.10.2008	24.09.2009	01.10.2009	01.10.2009	01.10.2009
15	Punjab	15.07.2008	15.07.2008	17.10.2012	27.08.2008	27.08.2008	27.08.2008
16	Rajasthan	31.07.2008	01.08.2008	18.06.2010	19.09.2008	19.09.2008	19.09.2008
17	Tamil Nadu	29.09.2008	29.09.2008	31.12.2009	31.12.2009	31.12.2009	31.12.2009
18	Telangana	22.04.2008	28.04.2008	28.12.2011	Action taken	19.08.2008	19.08.2008
19	Uttar Pradesh	25.09.2012	25.09.2012	24-2-2014	31-10-2014	20-10-2014	20.10.2014
20	Uttarakhand	11.11.2008	01.11.2008	19.12.2011	07.08.2014	07.08.2012	07.08.2012
21	West Bengal	05.12.2008	05.12.2008	12.01.2009	20.01.2009	20.01.2009	20.01.2009
North-eastern States :							
22	Meghalaya	22.06.2012	22.06.2012	2012	25.09.2012	8-5-2014	8-5-2014
23	Sikkim	03.05.2012	01.02.2012	2014	27.06.2012	18-12-2011	18-12-2011
24	Tripura	14.08.2008	15.08.2008	22.08.2008	15.12.2008	15.08.2008	15.08.2008
25	Assam	04.10.2008	04.10.2008	27.09.2012	02.08.2008	02.08.2008	02.08.2008
26	Manipur	29.10.2009	30.10.2009	02.12.2011	06.07.2012	06.07.2012	14-9-2012
27	Mizoram	29.12.2008	01.01.2009	9-7-2014	1-12-2014	1-12-2014	1-12-2014

28	Nagaland	22.04.2008	22.04.2008	*	7-2-2014	7-2-2014	7-2-2014
29	Arunachal P.	08.08.2008	06.08.2008	*	19.06.2012	19.06.2012	19.06.2012
Union Territories :							
30	Andaman & Nicobar Island	21.05.2008	21.05.2008	29-2-2012	04.03.2010	04.03.2010	04.03.2010
31	Chandigarh	21.10.2008	22.10.2008	12.8.2009	17.04.2012	22.12.2008	22.12.2008
32	Dadra & Nagar Haveli	17.09.2008	17.09.2008	6-5-2010	07.04.2010	07.04.2010	07.04.2010
33	Daman & Diu	17.09.2008	17.09.2008	04.05.2010	07.04.2010	07.04.2010	07.04.2010
34	Delhi	08.09.2008	01.09.2008	30.06.2009	01.10.2009	01.10.2009	11.02.2011
35	Lakshadweep	25.10.2008	22.09.2008	16.03.2015	16.03.2015	16.03.2015	16.03.2015
36	Puducherry	31.10.2008	01.11.2008	27.10.2011	27.10.2011	27.10.2011	27.10.2011

* Action pending

**MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE ON
SOCIAL JUSTICE AND EMPOWERMENT (2019-20) HELD ON THURSDAY,
6TH FEBRUARY, 2020**

The Committee met from 1500 hrs. to 1610 hrs. in Committee Room 'C',
Parliament House Annexe, New Delhi.

PRESENT

SMT. RAMA DEVI - CHAIRPERSON

**MEMBERS
LOK SABHA**

2. Shri Durga Prasad Rao Balli
3. Shri Shafiqur Rahman Barq
4. Shri Y. Devendrappa
5. Shri Dhanush M. Kumar
6. Shri Prince Raj
7. Smt. Supriya Sule

RAJYA SABHA

8. Smt. Jharna Das Vaidya
9. Shri N. Chandrasegharan
10. Smt. Sarojini Hembram
11. Shri P. L. Punia

SECRETARIAT

1. Shri Srinivasulu Gunda - Director
2. Smt. Madhu Bhutani - Deputy Secretary

**REPRESENTATIVES OF THE MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT (DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT)**

Sl. No.	Name	Designation
1.	Shri R. Subrahmanyam	Secretary
2.	Smt. Radhika Chakravarthy	Joint Secretary
3.	Shri Shambhu Sharan Kumar	Deputy Secretary

2. At the outset, Hon'ble Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) to the sitting of the Committee convened to have briefing by the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) on "the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019" referred to the Committee on 23.12.2019 for examination and Report.

3. The Chairperson, thereafter, referring to Direction 55(1) of Directions by the Speaker, Lok Sabha to keep the proceedings of the Committee 'Confidential', till a Report on the subject is presented to the House, asked the Secretary, Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) to introduce his team and give an overview of the subject matter.

4. The Secretary, accordingly briefed the Committee on the Bill highlighting background, broad features of the "Maintenance and Welfare of Parents and Senior Citizens Act, 2007", the need to amend certain clauses of the aforementioned Act and the following salient features of the Bill through Power Point Presentation.

- (i) Amendment in the definitions of 'parents', 'children', 'maintenance' etc.
- (ii) No upper ceiling for the amount of maintenance provided to the parents and Senior Citizens.
- (iii) Amendment in the implementation part of the Act in which provision of appeal is provided to the 'children' also in addition to the senior citizens.
- (iv) Provision for establishment of Old Age Homes.
- (v) Establishment of Tribunals and details of its functions.
- (vi) Provision for Help Line for Senior Citizens.

(vii) Provision for penalty for abandonment of Parents/Senior Citizens.

(viii) Role of NGOs for providing assistance to the welfare schemes of Senior Citizens.

5. The Secretary also responded to the queries raised by the Members. The Chairperson then directed the Department to furnish written replies to all the queries raised by Members to the Secretariat at the earliest.

6. The Chairperson then thanked the Secretary and other officials of the Department of Social Justice and Empowerment for giving valuable information to the Committee on the Bill and expressing their views on various issues raised by the Members.

A copy of the verbatim proceedings of the sitting has been kept on record.

The witnesses then withdrew.

(The Committee then adjourned.)

**MINUTES OF THE FIFTEENTH SITTING OF THE STANDING COMMITTEE
ON SOCIAL JUSTICE AND EMPOWERMENT (2019-20) HELD ON THURSDAY,
6TH AUGUST, 2020**

The Committee met from 1100 hrs. to 1300 hrs. in Main Committee Room
Parliament House Annexe, New Delhi.

PRESENT

SMT. RAMA DEVI - CHAIRPERSON

**MEMBERS
LOK SABHA**

12. Shri Y. Devendrappa
13. Smt. Ranjeeta Koli
14. Shri Akshaibar Lal
15. Smt. Rekha Arun Verma

RAJYA SABHA

16. Smt. Ramilaben Bara
17. Shri Ashok Gasti
18. Shri P.L. Punia
19. Shri Ram Nath Thakur
20. Shri Ramkumar Verma

SECRETARIAT

1. Smt. Anita B. Panda - Joint Secretary
2. Smt. Mamta Kemwal - Director

- (i) Expansion of definitions of 'children', 'parent', 'relatives' 'maintenance' and 'welfare'.
- (ii) Role of 'Conciliation Officer' and 'Maintenance Officer'.
- (iii) Establishment of 'Special Police Unit' in every district to address the grievances of senior citizens.
- (iv) Provision of 'National Help Line' for senior citizens.
- (v) Establishment and management of 'Senior Citizens' Care Homes' and 'Multi Service Day Care Centre' for senior citizens.
- (vi) Provision for 'Home Care Services' for such senior citizens who are not able to perform activities of daily life due to any physical or mental impairment.
- (vii) Minimum standards to be maintained by the private agencies while opening and running old age homes.
- (viii) Need for comprehensive awareness campaign for the effective implementation of "The Maintenance and Welfare of Parents and Senior Citizens Act, 2007" .
- (ix) Provision in Service Conduct Rules to motivate children in the Government service to take care of their old parents.
- (x) Formation of 'Old Age Groups' to provide certain jobs like giving tuitions to children, maintenance of parks etc. to those senior citizens, who are capable physically and mentally, to engage them in social causes.
- (xi) Need for sensitization of children from young age to give respect, care and support to senior citizens.

7. The Secretary also responded to the queries raised by the Members. The Chairperson then directed the Department to furnish written replies to all the queries raised by Members to the Secretariat at the earliest.

8. The Chairperson then thanked the Secretary and other officials of the Department of Social Justice and Empowerment for giving valuable information to the Committee on the subject and expressing their views on various issues raised by the Members.

A copy of the verbatim proceedings of the sitting has been kept on record.

The witnesses then withdrew.

(The Committee then adjourned.)

MINUTES OF THE SIXTEENTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON WEDNESDAY, 19TH AUGUST, 2020.

The Committee met from 1100 hrs. to 1350 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

SHRI RAMA DEVI - CHAIRPERSON

**MEMBERS
LOK SABHA**

2. Smt. Sangeeta Azad
3. Shri Y. Devendrappa
4. Shri Hans Raj Hans
5. Smt. Ranjeeta Koli
6. Shri Akshaibar Lal
7. Shri Prince Raj
8. Smt. Rekha Arun Verma

RAJYA SABHA

9. Smt. Ramilaben Bara
10. Shri Chandrasegharan
11. Shri Biswajit Daimary
12. Shri Ram Nath Thakur
13. Shri Ramkumar Verma

LOK SABHA SECRETARIAT

1. Smt. Anita B. Panda - Joint Secretary
2. Smt. Mamta Kemwal - Director

LIST OF NON-OFFICIAL WITNESSES

Sl. No.	Name	Organization
1.	Shri Rohit Prasad	Help Age India
2.	Dr. Aabha Chaudhary	Anugraha India
3.	Shri Asheesh Gupta	Samarth

2. At the outset, Hon'ble Chairperson welcomed the Members and representatives of the organizations/stakeholders appearing before the Committee convened to hear the views of the organizations working in the field of elderly care in connection with examination of "The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019". Impressing upon the witnesses to keep the proceedings of the Committee 'confidential' till a report on the Bill is presented, the Chairperson requested the stakeholders to brief the Committee on issues related with the welfare of parents and senior citizens and give concrete advice/suggestions regarding various Clauses of the Bill.

3. The representatives of the organizations/stakeholders then put forth their views/suggestions on the various provisions of the Bill before the Committee based on their work experience in elderly care. The stakeholders suggested the following changes/amendments in the new proposed legislation:

- (i) Recognising and formulating ways for economic independence of elderly population.
- (ii) Sensitization and social connection for Senior Citizens.
- (iii) Provisions for Mobile Health Vans in every nook and corner of the country for Senior Citizens and elderly people.
- (iv) Increasing the number of Toll Free helpline numbers for old age persons with trained counsellors and need for setting up of a National Helpline Number for old age persons.
- (v) Maintenance of widows living at various religious institutions in the country.

- (vi) Easing the process for elders to access justice or to approach an authority.
 - (vii) Strengthening the role of the Maintenance Officer in the Bill.
 - (viii) Need for sensitization of official of Banks, Maintenance Tribunals, Social Welfare Departments and other offices who are dealing with the matters of senior citizens.
 - (ix) Devising more offline ways of connecting with elderly people.
 - (x) Training for Geriatrics Beside Assistants, caregivers and other personnel in the field.
 - (xi) Evaluation of Maintenance Tribunals.
 - (xii) Protection Order from the Maintenance Tribunal till the final verdict.
 - (xiii) Provision of Short Stay Homes/Transit Homes/Temporary Shelters where the Senior Citizens in distress can stay for a period till the maintenance is finalized.
 - (xiv) Need to organize inter-generational meetings to bring young and old together.
 - (xv) Developing avenues to enable comparatively young and healthier Senior Citizens to take care of other Senior Citizens.
 - (xvi) Enhancing the quality and availability of Elder Care institutions.
 - (xvii) Multiple avenues for resource generation for the welfare of Senior Citizens.
 - (xviii) Incentivisation at the work places to engage Senior Citizens.
 - (xix) Transparency in donations made to NGOs.
 - (xx) Needs for sensitization of children to give respect, care and support to elders including parents and relatives, through educational content.
4. The stakeholders also responded to the queries raised by the Members.
5. The Chairperson thanked the stakeholders for their views expressed before the Committee and also appreciated the work being done by them.

The witnesses then withdrew.

A copy of the verbatim proceedings was kept on record.

The Committee then adjourned.

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON THURSDAY, 3rd SEPTEMBER, 2020.

The Committee met from 1030 hrs. to 1400 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

SMT. RAMA DEVI - CHAIRPERSON

MEMBERS

LOK SABHA

9. Shri Bholanath 'B.P. Saroj'
10. Shri Y. Devendrappa
11. Smt. Maneka Sanjay Gandhi
12. Smt. Ranjeeta Koli
13. Shri Prince Raj
14. Smt. Rekha Arun Verma

RAJYA SABHA

8. Smt. Ramilaben Bara
9. Shri P.L. Punia
10. Shri Ramkumar Verma

LOK SABHA SECRETARIAT

1. Smt. Anita B. Panda - Joint Secretary
2. Smt. Mamta Kemwal - Director

LIST OF NON-OFFICIAL WITNESSES

1. Shri Himanshu Rath Agewell Foundation
2. Dr. Manorama Bakshi Senior Adviser, Policy and Advocacy, Tata Trusts

**REPRESENTATIVES OF THE MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT (DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT)**

- | | | |
|----|----------------------|----------------------|
| 1. | Shri R. Subrahmanyam | Secretary |
| 2. | Smt. Upma Srivastava | Additional Secretary |

2. At the outset, Hon'ble Chairperson welcomed the Members of the Committee and representatives of the organizations/stakeholders appearing before the Committee, convened to hear their views on "The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019". Impressing upon the witnesses to keep the proceedings of the Committee 'confidential' till a report on the Bill is presented, the Chairperson asked them to present their views/ suggestions on the various Clauses of the Bill.

3. The representatives of the organizations then put-forth their views/suggestions on the various provisions of the Bill before the Committee and suggested the following changes/amendments in the new proposed legislation:-

- (i) Self Help Groups of older people and young generation to redress problems of Senior Citizens at local level.
- (ii) Provision of employment to those Senior Citizens who are physically and mentally fit in the outlets of Big Companies under Corporate Social Responsibility (CSR).
- (iii) Inclusion of chapters on the importance of Senior Citizens in curriculum of Schools and Colleges for inter-generational bond between old and young generation.
- (iv) Need to sensitize neighbourhood of Senior Citizens for their safety and security.
- (v) Need to establish more number of Old Age Homes.
- (vi) Provision for basic minimum facilities and living standards for Senior Citizens.
- (vii) Recreation Centres for Senior Citizens for inter-generational bond.

- (viii) Fast Track disposal of cases related to 'The Maintenance and Welfare of Parents and Senior Citizens Act, 2007' in High Courts.
- (ix) Need to create more awareness about the provisions of 'The Maintenance and Welfare of Parents and Senior Citizens Act, 2007', particularly in rural areas.

4. The Chairperson thanked the witnesses for appearing before the Committee and for sharing valuable information on the Bill and responding to the queries of the Members.

(The witnesses then withdrew)

5. Thereafter, the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) were called in for oral evidence on "The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019" and the Chairperson welcomed them to the sitting of the Committee. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding the evidence tendered before the Committee, the Chairperson asked the Secretary, Department of Social Justice and Empowerment to clarify their views on the various provisions of Bill and the issues raised by the Members at the Sitting of the Committee held on 06.08.2019 on the Bill. The broad issues discussed at the sitting are as follows:-

- (i) Need to define the term 'Life of dignity'.
- (ii) Regular inspection of NGOs' running old age homes with Government grant-in-aid.
- (iii) Setting up of Project Management Unit (PMU) under National Institute of Social Defence to evaluate the performance of NGOs.
- (iv) Need to maintain details of NGOs funded and run by the State Governments.
- (v) Installation of CCTV cameras in Old Aged Homes and their proper monitoring.

- (vi) Expression of Interest portal for registration of new NGOs.
- (vii) Required mandatory permission of parents in writing if their children wish to sell the parental transferred property.

6. The Chairperson then thanked the Secretary and other representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) for their views expressed before the Committee.

(The witnesses then withdrew.)

A copy of the verbatim proceedings was kept on record.

The Committee then adjourned.

STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT (2020-21) HELD ON 19 JANUARY, 2021 IN COMMITTEE ROOM 'D', PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee sat from 1130 hrs. to 1315 hrs.

PRESENT

Smt. Rama Devi - Chairperson

MEMBERS

Lok Sabha

2. Smt. Sangeeta Azad
3. Smt. Pramila Bisoyi
4. Shri Thomas Chazhikadan
5. Shri Y. Devendrappa
6. Smt. Ranjeeta Koli
7. Shri Vijay Kumar
8. Smt. Rekha Arun Verma

Rajya Sabha

9. Smt. Jharna Das Baidya
10. Smt. Ramilaben Bara
11. Smt. Geeta *alias* Chandraprabha
12. Shri Narayan Koragappa
13. Shri Ramkumar Verma
14. Shri Ram Ji

SECRETARIAT

1. Smt. Anita B. Panda - Joint Secretary
2. Smt. Mamta Kemwal - Director
3. Shri Janmesh Singh - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee convened to consider the draft Report on 'The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019'.

3. Thereafter, the Chairperson requested the Members to give their suggestions, if any on the draft Report. The Report was unanimously adopted by the Committee. The Committee then authorized the Chairperson to finalize the Report in the light of consequential changes that might arise out of factual verification of the Report and to present the same to both the Houses of Parliament on 29th January, 2021.

4. xxx

5. xxx

6. xxx

The Committee then adjourned.

A copy of the verbatim record of the proceedings pertaining to the briefing has been kept.