

**No.AG-15040/45/2021-SR.C.II (e.o.44483)**  
**Government of India**  
**Ministry of Social Justice and Empowerment**  
**Department of Social Justice and Empowerment**  
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Shastri Bhawan, New Delhi-1  
Dated: 17<sup>th</sup> June, 2022

**Office Memorandum**


**Subject: Awareness generation, Protection of Life and Property of Senior Citizens, Welfare measures for senior citizens-reg.**

With a view to ensure awareness generation, protection of life and property and welfare measures for senior citizens, Government has constituted an Experts Committee consisting of the following :-

- (i) Ms. Sugandhi Baliga, TATA Trusts, Mumbai (Chairperson).
- (ii) Mr Pawan Mehta, Deputy Secretary, Ministry of Home Affairs.
- (iii) Mr. D. K. Yadav, Deputy Director, National Crime Records Bureau, New Delhi.
- (iv) Dr. Imtiaz Ahmed, Mission Head, HelpAge India, New Delhi.
- (v) Dr. Sujay Joshi, Senior Operating Officer, Dignity Foundation, Mumbai.
- (vi) Mr. Shiv Kumar, Advocate as Legal Expert.

2. The Committee has submitted its Report suggesting action on the part of State Governments and other stakeholders. The Report submitted by the eminent Experts Committee is enclosed.

3. All the stakeholders in the sector are requested to give their views/ suggestions on the Report addressed to Smt. Tanya Sengupta, Research Officer on Email: [tanya.sengupta73@nic.in](mailto:tanya.sengupta73@nic.in) on or before **30<sup>th</sup> June, 2022**.

  
(Badri Prasad Meena )  
Under Secretary to the Government of India  
Tel: 23388541

To

- 1) Secretaries to State Dept. of Social Welfare/Social Justice & Empowerment.
- 2) Director, NIC to upload in the Website of DoSJE for wide publicity.
- 3) RRTCs.
- 4) NGOs receiving grants under IPSrC.

**1. Rules relating to amended Section 21:**

- (a) The state Government shall ensure that the provisions of the Act, particularly those relating to protection of life and property of parents and senior citizens and welfare measures prescribed therein are brought into public domain, in rural and urban areas, by giving wide and sustained publicity through effective use /strategic deployment of all available channels of communication, use of technology, Websites, and available manpower resources, both physical and virtual including the following:
- (i) Print Media
  - (ii) Electronic and social media
  - (iii) Creating a website
  - (iv) Outdoor hoardings/Boards at locations accessible to public, public transport services, public places, and spaces
  - (v) Talk shows, Interviews, Quiz Competitions, Debates, Symposiums, Seminars, Conferences, and other similar knowledge based promotional activities
  - (vi) Online and physical empowerment, sensitisation, and training programmes
  - (vii) Short films, documentaries, and public interest messages on electronic media
  - (viii) State TV and communication channels like Doordarshan, Prasar Bharati, AIR etc
  - (ix) Cultural fora like Drama, street plays, Dance forms, folk lore and music and other similar community-based activities.
2. The state government shall endeavour to compile, publish, circulate, distribute free of cost, through statutory authorities, physically and/or through electronic Media, up to date information booklets, hand outs, and other similar promotional material containing details rights, welfare measures and entitlements of senior citizens under the Act at public places and/or at private and public events like fairs, exhibitions, or at any other event where public are expected to gather.
3. The State Government shall endeavour to create, manage, and keep updated a Website /Portal containing details of the Act, Rules and all available welfare measures/amenities/ concessions, entitlements of senior citizens, details of cases of Abuse and abandonment that have been filed, details of pending prosecutions and other information relating to the life and welfare of senior citizens and ensure that access to such site/portal is free of cost.
4. The State Government may execute/implement any or all the activities specified in these Rules either by itself or through any identified suitable and competent agency/entity and/or in collaboration (including a PPP model) with any NGO, Trusts, Associations of Professionals, organisations dealing with elders welfare, Governments departments, Corporate Houses, Statutory authorities like the Legal

Services Authorities, or any other similar organisations/entities on such terms as may be mutually agreed upon and for such purposes execute, sign, any agreements/MoU or any similar document.

5. The State Government shall actively collaborate with relevant Government Departments, Ministries, Educational and research Institutions, Elder welfare Organisations, prominent senior citizens, and similar entities involved with the welfare of senior citizens to promote and organise ongoing and continuous educational and information programmes at Educational and other institutions to educate the public about the Act and Rules with particular reference to its penal provisions.
  6. State Government shall formulate and notify schemes for the health care and preferential treatment of senior citizens at all public places, events, and public institutions, Governmental organisations or at any other facility/place that the Government may deem necessary.
  7. The State Government shall ensure that all officers of the Central and State Governments, members of the Civil Defence Corps, Home Guards, officers of Law enforcement agencies, Members of the Judiciary, NGOs, members of Civil society , Employers in the public and private sectors, and any other sector, whether or not specified herein are continuously and periodically sensitized and educated , through educational or awareness or sensitisation programmes, to the rights, entitlements , safety and welfare of senior citizens with particular reference to the provisions of the Act and these rules and are kept updated about global developments/challenges in the field of seniors protection and welfare either by itself and/or in partnership or collaboration with any suitable competent organisation dealing with training, or elders welfare.
  8. The State Government shall endeavour to design, compile, formulate, publish, and make available for public use, a model or standardised Manual /Workbook/syllabus/content foreducating all sections of society about the Act and Rules and /or imparting training at Governmental and private organizations, Academies run and managed by the Central or state Governments either by itself or in collaboration with any person or entity so as to create a comprehensive national model for such purposes.
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#### **RULES UNDER PROPOSED SECTION 21-A (1) and (2)**

1. For the purposes of this Rule and for the effective implementation of a comprehensive action plan for the welfare of senior citizens the categorization hereinafter specified in Rule (3) shall be adopted.
2. For the effective implementation of the objects hereinbefore specified in Rule (1) and schemes specified in Rule (3) the State Government may, at its discretion and keeping the objects of the Act and the comprehensive action plan

in mind , formulate and notify appropriate scheme/s specifying its object/s, qualifications and conditions for entitlements, available and applicable benefits, methodologies for implementation, processes, and procedures therefor and/or issue appropriate notifications, orders, Government Orders, administrative directions, guidelines. The State Government shall be entitled to withdraw or alter or amend such schemes at any time.

3. Any scheme formulated and notified under Rule (2) in accordance with the categorisation referred to in Rule(1) and Rule (3) shall, inter alia, include provisions for at least one of the subjects specified against each category.
  - (A) **Economic and Financial:** Secure/safe investment, protection measures, regular income, loans and credit opportunities, preferential interest rates with Banks and financial institutions, protection against erosion /dilution of investments, pensions, minimum survival pay outs.
  - (B) **Second and/or self-employment:** Identification of skill sets, creation of skill-based manpower pool, identification of potential employers, sustainable remuneration, identification of entrepreneurial opportunities, small and medium scale self-help trading and retail activities, business opportunities commensurate with age:
  - (C) **Health and Medical care:**Affordable medical consultations and care, availability of medicines at reasonable and affordable cost/concessional prices, easy , convenient,and preferential access to health care facilities, health care at doorstep, concessions and rebates at medical facilities run by State and private sector, tele medicine ,health Insurance at affordable cost to cover domiciliary and hospitalisation costs, funding health care costs, free or nominal cost health care facilities.
  - (D) **Mental health , wellbeing, and welfare:** preferential and free or subsidized access to mental health care at designated institutions, preservation of confidential data, access at affordable cost to diagnostic facilities and care at all medical institutions, rehabilitation, mainstream integration of persons with mental illness, funding costs of health care, infra structure for managing financial and other assets of senior citizen undergoing mental health care.
  - (E) **Housing and shelter:**Affordable housing, short term and long-term residential facilities/short stay homes, community/shared housing, designated residences at gated communities and apartment complexes, retirement villages and homes.
  - (F) **Nutrition and Diet:**Sustained access to nutritious and healthy food, rations, and other essential requirements at affordable cost, priority treatment in the public distribution systems, access to and nutritional and dietary advise , door delivery of food and other essentials, concessions, and subsidies.
  - (G) **Recreation and Leisure:**Access to multiple forms of entertainment and leisure activities, hobbies, identification of individual or collective preferences, identifying and providing easy and affordable or concessional

rate access to places of entertainment and amusement, integration into mainstream through opportunities for participation in such activities, community-based leisure activities, promoting community participation.

- (H) **Inclusivity:** Affirmative action for integration into mainstream activities, preventing discrimination, alienation, ostracization, promoting and incentivising inclusivity in public and private sector, creating equal and fair opportunities for participation in community activities
- (I) **Physical safety and protection of life and property:** identification of vulnerable senior citizens, periodic and regular policing and monitoring measures, identifying senior citizens and updating such lists, potential areas of threat and danger to senior citizens, Community based safety and vigilance measures, protection of property against exploitation and illegal acquisition by duress, compulsion, force or threat , protection and safe custody of property related documents, providing safe custody measures for valuables and personal effects.,
- (J) **Abuse -financial, physical, verbal emotional, mental, abandonment:** Identifying potential cases of abuse, remedial measures, effective and timely redressal mechanisms, easy and 24x7 access to mechanisms for reporting abuse and measures for instant action, prevention measures, sensitization, and education processes.
- (K) **Human rights:** Promotion and preservation of human dignity, promoting active and productive ageing, prevention of abusive conduct, protection against deprivation, alienation, discrimination, and victimisation.
- (L) **Volunteering opportunities:** Identification of skill sets and suitable opportunities commensurate with age, mechanism for matching available skills with needs, safety during volunteering, ensuring fair and dignified treatment, community-based activities:
- (M) **Grievance redressal and expeditious dispute resolution:** Timely and cost effective access to dispute resolution mechanisms, Courts, Legal Services Authorities, pro bono legal and advisory services, access to alternate dispute redressal services, access to legal consultations and advise, legal assistance in criminal cases, priority in hearing of cases, para legal support, legal assistance and advise at doorstep, affordable or pro bono services, hand holding and emotional and moral support till disposal of cases, access to complaint mechanisms under Rules, fair transparent and trustworthy processes.
- (N) **Communication:** Access, whether at cost or free or at subsidized or concessional rates to all channels of communication, on demand and instant communication with local law enforcement agencies, community driven and monitored communication ,emergency communication ( hot lines) , training and familiarisation with technology in communication , use of social media and updating.

- (O) **Geriatric care:** Identification of institutions offering geriatric care, at minimal or affordable cost and pro bono models, management/ monitoring mechanisms, assistance in management of affairs of senior citizens undergoing care, concessions, priority treatment, state liability in case of indigent senior citizens.
- (P) **Community participation and care:** Rehabilitation, social and leisure activities, watch dog mechanisms, assistance in day to day-to-day needs, reporting mechanisms for abuse, coordination with law enforcement agencies, inclusivity and participation, promotion of social groups, preventing social boycott.
4. The State Government may execute/implement any or all schemes formulated and notified under Rule (2) and Rule (3) either by itself or through any agency/entity found to be suitable for such purpose/s and/or in collaboration (including a PPP model) with any NGO, Trust, Associations of Professionals, Health care Institutions, Financial and Advisory Institutions, Human Rights Organisations, Legal and paralegal organisations, law enforcement agencies, organisations dealing with elders welfare, Governments departments, Corporate Houses, Statutory authorities like the Legal Services Authorities, Housing boards or any other similar organisations/entities, prominent and experienced senior citizens, on such terms as may be mutually agreed upon and for such purposes execute, sign, any agreements/MoU or any similar document.
  5. For effective implementation and coordination of the comprehensive action plan specified in Rule (1) and any scheme formulated and notified in Rule (3) the State Government shall appoint in every district a District Coordination committee having jurisdiction in the entire district.
  6. The District Coordination Committee shall comprise:
    - (i) A retired District Judge residing in the district and below the age of 70 years nominated by the State Government who shall be the Chairman.
    - (ii) The Deputy Commissioner /District Magistrate of the District.
    - (iii) A minimum of five selected/nominated representatives of Agencies/organisations working or involved in the field of elder welfare care and protection or geriatric care in the district
    - (iv) Two selected/nominated serving Police Officers in the district above the rank of a Deputy Commissioner of Police or equivalent.
    - (v) One nominated representative from the Social Welfare Department of the State Government.
    - (vi) The Nodal Officer appointed for the District by the State Government who shall be designated as the Secretary of the Committee.
    - (vii) Two nominated Health care/Medical professionals specialising in Geriatric care and Mental Health respectively who are willing to devote time to the cause of senior citizens.

(viii) At least three prominent senior citizens of the Community in each District , committed to the cause of senior citizens and having had experience in the field preferably, but not essential, retired from the Police department or Defence Services or the Civil Services whose expertise, knowledge, experience and skill sets would be valuable to the Committee.

7. The tenure of the Chairman of the District Coordination Committee shall be two years subject to extension for a further maximum period of two years. Members of the coordination Committee referred to in clauses (ii) and (vi) shall be a period of two years from date of appointment.

8. The coordination Committee shall meet as often as required, either physically or virtually, and shall inter alia be responsible :

- (i) for timely and effective implementation of the Objects of the Act , the schemes formulated and notified under this Rule , for monitoring the working of the Maintenance Tribunals ,Old Age homes and other residential facilities available within the district and to ensure that senior citizens receive the benefits prescribed under the Act and Rules.
  - (ii) for effectively and promptly coordinating plans, schemes, programmes, services provided by all departments of the State and Central Governments, other service providers, whether Governmental or private , various departments of the State Government, all stake holders, Ministries, NGOs, welfare organisations, Law enforcement agencies, working within the district.
  - (iii) to oversee and/or monitor implementation of the provisions of the Act and Rules and ensure that senior citizens are assured of a life of dignity and respect and to take affirmative action wherever required to achieve to prevent violation of human rights.
  - (iv) The District coordination Committee shall have powers to issue appropriate /required orders/directions, guidelines, instructions, to any to any person or authority or organisation to ensure effective implementation of the provisions of the Act and the Schemes formulated under Rule 21-A , to receive , hear and decide any complaints/grievances made by a senior citizen against any authority or person under the Act or Rules, in any matter connected with or related to the provisions of the Act and / Rules (including the Special Police Force Unit) and to exercise powers to enforce its orders/directions by recourse to the Special Police Force Unit referred to in Rule 22 (1) .
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## **RULES UNDER PROPOSED SECTION 22 OF THE AMENDING ACT**

1. The Special Police Force Unit constituted under Section 22 of the Act shall comprise:
  - (i) A serving Police Officer not below the rank of a Deputy Superintendent of Police or equivalent thereof as the Head of such Special Force Unit.
  - (ii) The Nodal Officer appointed for the district.
  - (iii) Three social workers or persons who have experience of working in the field of elder care, protection, welfare rehabilitation, either independently or with or as a part of an NGO of which at least two shall be women.
  - (iv) At least two prominent and well-known senior citizens from the community who are committed to the cause of senior welfare, and /or have had experience of working in the field of elder care/welfare preferably , but not essential, retired from the Police department or Defence services or Civil services
  - (v) a legal practitioner having at least 20 years of legal practice to act as an independent Observer to ensure compliance with the Rule of Law by the Special Police Force Unit in the course of discharging or performing its duties or in implementing any order direction issued by the District Coordination Committee under the Act and these Rules.
  - (vi) any eminent person/s who in the opinion of the State Government would contribute experience, knowledge, expertise and add value to the Force.

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## **RULES UNDER PROPOSED SECTION 23-A OF THE ACT**

1. To implement the Objectives prescribed in Section 23 -A of the Act, the State Government shall, in consultation and collaboration with grass root level workers in the field of elder care, NGOs, research organisations, geriatric care specialists, Health care specialists, persons having experience in the disability sector , corporate sector, formulate and notify schemes, issue Government orders, notifications, guidelines, administrative and executive instructions/orders and any similar action to:
  - (i) to make all public buildings, offices, public places, places of public entertainment and all other public places accessible to senior citizens elder friendly by making adequate and effective arrangements for safe and comfortably sloped ramps, assisted walking and climbing, wheelchairs and walking devices, safety railings, antiskid flooring, volunteer assistance, and similar measures to promote accessibility and safety of senior citizens.
  - (ii) to provide adequate number of easily accessible age friendly rest rooms, toilets, amenities like clean drinking water, food, first aid and information kiosks, refreshment, and temporary resting spaces,



(iii) make public transport elder friendly by creating easy and convenient access points, equipping buses, trains, and other forms of public transport with ramps, low slung retractable steps, reserving adequate seats/berths for senior citizens, sensitizing operators and drivers of transport vehicles to the special needs of senior citizens, providing exclusive counters and queues for senior citizens, notifying special rates, concessions.

(iv) In addition to the one common number National Help Line specified under Section 23-A (2) of the Act to establish maintain, manage, run Help lines at Village, Taluk, District levels, cities Towns by itself or in partnership/collaboration with NGOs or other similar organisations on a franchise model and offer Counselling, Advisory, Consultancy, Dispute resolution services, complaint receiving agencytogether with assistance in legal representation services, and render all other services/assistance to ensure benefits and entitlements to senior citizens.

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#### **RULES UNDER AMENDED SECTION 24 OF THE ACT**

1. A complaint of abuse and/orabandonment of a senior citizen( hereinafter referred to as the Victim) may be filed /lodged by the senior citizen or any member of his/her family or by a next best friend or a neighbour of the senior citizen or by any member of the public who has knowledge or information of such abuse or abandonment or any organisation working or rendering service in the field of elder care, protection, and welfare .
2. The Complaint may be lodged in person in writing , or orally, or through any electronic media, and need not be in any prescribed format. The Complaint shall disclose and record the name, age, address, phone number, e mail id and relationship to the victim and indicate the nature of the abuse or date place and time of abandonment.
3. The Complaint may be lodged with the nearest Police Station, or the common number Help Line established under Rule 23-A (ii). Upon receipt of a complaint by the common number help Line , the concerned person at the Help Line shall forthwith communicate/transfer the complaint to the Police Station nearest to the residence of the victim telephonically or through any electronic Media.
4. Upon receipt of a Complaint at a Police Station under Rule 3, the Station House Officer shall immediately record the complaint in a register maintained only for that purpose, assign an identification Number to the complaint, and take immediate steps to investigate the complaint in accordance with the provisions of the Criminal Procedure Code 1973. Simultaneously, the SHO shall , either by himself/herself or through any police person attached to the police station ,take immediate measures to ensurethe safety and protection of the victim from further or continued harm.In cases where threat to life is

reasonably apprehended by the SHO , the Victim may , with his/her consent ,be temporarily placed or lodged in a safe location including an old age home of halfway home or a temporary residence.

5. Upon investigation of the Complaint referred to in Rules (3) and (4) if, prima facie, an offence appears to have been committed against the victim , an FIR shall be registered and referred to the jurisdictional Magistrate for trial .
6. During the period of investigation referred to in Rule (5) or from the date the complaint has been filed, the SHO shall be entitled , with the consent of the victim to arrange for the victim to be lodged separately and safely at an old age home or halfway home or temporary residence as prescribed under Rule 4. The SHO in shall forthwith convey such information to the District Coordination Committee. Upon Receipt of such information the District Coordination Committee shall be entitled , by an order, require one or more the family members of the victim to pay or provide for the welfare, boarding and lodging expenses, medical care costs of the victim. The District Committee shall have powers to enforce such orders in accordance with the provisions of Rule 8(iv) above.
7. Upon the registration of an FIR under Rule 5 the SHO shall send a copy of the FIR to the family members of the victim, and to the Employer, (if details are available) of any member of the family against whom the FIR has been registered and to the District Coordination Committee.
8. Details of the complaint, its identification number, nature of the complaint, details of the FIR if registered, shall be uploaded and periodically updated to the relevant website.

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