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[TO BE INTRODUCED IN THE SENATE]

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BILL

*to provide for the maintenance and welfare of old parents and well-being,
comfort and dignity of the senior citizens in Pakistan*

PREAMBLE

WHEREAS It is provided in the Holy Quran

و قَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَ بِالْوَالِدَيْنِ إِحْسَانًا أَمَا يَتْلَعْنَ عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ
كِلَيْهِمَا فَلَا تَقُلْ لَهُمَا آفٌ وَ لَا تَنْهَزُهُمَا وَ قُلْ لَهُمَا قَوْلًا كَرِيمًا (٢٣)
وَ اخْفِضْ لَهُمَا جَنَاحَ الذَّلِيلِ مِنَ الرَّحْمَةِ وَ قُلْ رَبِّ ارْحَمْنِيمَا كَمَا رَبَّيْتَنِي صَغِيرًا (٢٤)

"Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say. "My Lord, have mercy on them, since they cared for me when I was small" (17: 23-24).

AND WHEREAS the Constitution establishes a society based on democratic values, social justice and fundamental rights and seeks to improve the quality of life of all citizens;

AND WHEREAS the State must create an enabling environment in which the fundamental rights of every citizen must be respected, protected and fulfilled; and the senior citizens must be empowered to continue to live meaningfully and constructively in a society that recognizes them as important sources of knowledge, wisdom and expertise;

AND WHEREAS it is expedient to provide for the establishment of a Commission for the wellbeing, comfort and dignity of the senior citizens and old parents in the Islamabad Capital Territory;

It is hereby enacted as follows:

**PART-I
PRELIMINARY**

1. Short title, extent and commencement.- (1) This Act may be called the Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019.

(2) It shall extend to the Islamabad Capital Territory of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019;

(b) "Commission" means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission established under section 3;

(c) "Concerned Division" means the Division dealing with the subject of Social Welfare;

(d) "Chairperson" means the Chairperson of the Commission;

(e) "Children" means the biological children, legal heirs and includes all those who are residing within any premises along with the old parents and senior citizen;

(f) "Fund" means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund established under section 9;

(g) "Government" means the Federal Government of Pakistan;

(h) "Indigent" means any senior citizen who has not having sufficient means of income as may be determined by the Commission from time to time;

(i) "Prescribed" means prescribed by the rules framed under Section 26;

(j) "Regulation" means regulation made by the Commission under paragraph (o) of sub-section (2) Section (6);

(k) "Rehabilitation" means a process by which an older person is enabled to reach and maintain his optimal physical, sensory, intellectual, psychiatric or social functional levels, and includes measures to restore functions;

(l) "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;

(m) "Senior citizen" means an elderly person of age 60 years and above living in Pakistan;

- (l) "shelter" means any building or premises maintained or used for the reception, protection and temporary care of any senior citizen in need of care and protection;
- (m) "Welfare" includes all such services relating to social, economic, lodging and legal protection of senior citizens; and
- (n) "Welfare packages or grants" mean welfare and social security packages or grants announced for welfare of the senior citizens by the Government.

(2) The expressions, not defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used.

PART-II

OLD PARENTS AND SENIOR CITIZENS WELFARE COMMISSION

3. Establishment of the Commission.- (1) Within six months of the commencement of this Act, the Government shall establish a Commission to be known as the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission.

(2) The principal office and establishments of the Commission shall be at Islamabad and it may set up its offices at such place or places as it may deem appropriate.

(3) The Commission shall be a body corporate having perpetual succession and common seal and may sue and be sued in its own name and for the purpose of this Act, may enter into a contract and may acquire, purchase, take, hold and enjoy moveable and immoveable property of every description and may convey, assign, surrender, yield-up, charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with any moveable and immoveable property or any interest vested in it.

(4) The Commission shall be an autonomous body under the administrative control of the Government.

(5) The common seal of the Commission shall be kept in the custody of the Chairperson or such other person as may be prescribed by regulations and documents required or permitted under the common seal shall be specified and authenticated in such manner as may be prescribed by regulations.

4. Composition of the Commission.- (1) The Commission shall consist of,-

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| (a) | The Minister of the concerned Division; | Chairperson |
| (b) | Three Members of the Senate preferably having age of 60 years or above to be nominated by the Chairman Senate; | Members |
| (c) | Three members of the National Assembly preferably having age of 60 years or above to be nominated by the Speaker National Assembly; | Members |
| (d) | Chairman CDA; | Member |
| (e) | Secretary of the concerned Division; | Ex-officio Member/
Secretary |

(2) The Commission shall have powers to co-opt members from amongst persons who are experts in their respective fields, for advice on particular matters under its consideration.

(3) The members of the Commission, other than ex-officio members, shall be nominated for a term of three years.

(4) If a member of the Commission, other than ex-officio member, is unable to perform as member of the Commission, he shall inform the Commission and the Commission after receiving such information, may cancel his membership.

Any casual vacancy of a member, other than an ex-officio member, shall be filled in by a person nominated by the respective authority and the person so nominated shall hold office for the unexpired period of the term of his predecessor.

5. Qualification of Members.- A person shall be eligible to be a Member of the Commission if,-

- (a) he is a citizen of Pakistan;
- (b) he is sane and of sound mind;
- (c) he has not been convicted of an offence involving moral turpitude;
- (d) he has not at any time been adjudicated insolvent;

- (e) he has not at any time been disqualified for employment in or dismissed from Government service;
- (f) he is not acting in contravention of the provisions of this Act; and
- (g) he has no financial interest in any aspect of the Commission, or has a conflict of interest, directly or indirectly, with the Commission.

6. Powers and functions of the Commission.- (1) Subject to the provisions of this Act and rules, the Commission shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub-section, the Commission shall,-

- (a) formulate policy proposals on aging in the light of national commitments on the welfare of senior citizens and submit it to the Government for approval from time to time;
- (b) conduct research and compile data on various aspects of aging for the wellbeing of senior citizens for policy or plan formulation;
- (c) create different forums for the senior citizens to participate in activities that enhance their income-generating capacity;
- (d) take steps towards introduction of geriatrics as part of the syllabus of medical universities or colleges;
- (e) propose arrangements in hospitals for better medical attention to senior citizens;
- (f) provide facilities including clubs, community centers for their free access to opportunities that promote their optimal level of social, physical, mental and emotional well-being;
- (g) make them participate in inter-generational programmes for better social inter-action among all community members including senior citizens;

- (h) arrange workshops to educate senior citizens about life changing requirements for a healthy old age and an environment catering for the changing capacities;
- (i) formulate proposals to accommodate the requirements of senior citizens and parents in urban and rural planning and development;
- (j) promote participation of senior citizens in decision-making processes at all levels;
- (k) undertake social, economic and other welfare activities in collaboration with public and private sectors for the welfare of senior citizens and parents ;
- (l) mobilize financial resources for welfare of the senior citizens and parents;
- (m) constitute committees to assess and carry out welfare activities for senior citizens;
- (n) co-ordinate with Government, non-governmental social and welfare organizations at national and international level to take steps for the welfare of senior citizens and parents;
- (o) make regulations for proper functioning of the Commission including regulations for appointment of different categories of employees under the administrative control of the Commission;
- (p) publish reports and other material for guidance and welfare of senior citizens;
- (q) grant of senior citizens awards in the fields of their expertise;
- (r) ensure access to information by education and training of senior citizens and create awareness in the public through organizing seminars, workshops, conferences and use of mass media;
- (s) establish senior citizens homes to accommodate homeless, deserted and indigent senior citizens and parents ; and

- (t) encourage to setup organization of senior citizen corps for utilization of their potential for service activities and national development.

7. Meetings of the Commission.- (1) The meetings of the Commission shall be held quarterly, and shall be presided over by the Chairperson or, in his absence, by a member nominated by the Chairperson for the purpose. One third of the total members shall constitute the quorum.

(2) All decisions of the Commission shall be taken by simple majority of the members of the Commission present in the meeting. The Chairperson shall have a casting vote in case of a tie.

(3) Decision of the Commission shall be recorded by the Secretary of the Commission, who shall circulate such decisions for confirmation to Chairperson and the members within fifteen days of each meeting.

PART-III

PRIVILEGES TO SENIOR CITIZENS

8. Privileges to senior citizens.- (1) A senior citizen may, on completion of his sixty (60) years of age, apply for the senior citizen card.

(2) The procedure and criteria for obtaining the senior citizen card shall be such, as may be prescribed by rules.

(3) The senior citizens shall be allowed the following privileges on the basis of senior citizen card:-

- (a) free of charge entry to public museums, libraries, parks and recreation facilities;
- (b) financial supports to deserving senior citizens;
- (c) separate counters for senior citizens in hospitals, malls, banks and all other public places wherever applicable;
- (d) prioritized receiving of basic services at all services areas;
- (e) concession in medical facilities and medicine charges;

- (f) separate medical wards and rehabilitation care units and the provisioning of proper care to the deserving senior citizen; and
- (g) fares concession in public transport.

9. Fund.- (1) The Government shall establish a Fund to be known as the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund, which shall consist of,-

- (a) all grants and allocations made by the Government;
- (b) donations, endowments and contributions made by the private individuals and organizations within country and abroad; and
- (c) all sums received by the Commission from any other source including Pakistan Bait-ul-Mal, Profits on Investment from funds, funds generated by different motivated campaigns and received from lawful sources. Funds shall be invested only in scheduled banks and National Saving Schemes. No investment will be made in stock market shares or used for speculation in any manner.

(2) The Fund shall be administered by the Commission, which shall make such allocations for specific activities, enumerated in sections 8 and 9 of this Act and may deem appropriate in line with the performance of functions of the Commission.

(3) The Government shall make annual budgetary allocations for the establishment and other charges of the Commission.

(4) The Fund shall be utilized for,-

- (a) the establishment charges; and
- (b) welfare of the senior citizens.

(5) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Commission.

(6) The Fund shall be regularly monitored by the Commission and audited in the same manner as in the case of the funds of other Government Departments.

(7) The Fund shall be maintained in accordance with the rules and shall be auditable annually through Auditor General of Pakistan and annual audit report of the Fund shall be submitted to the Government.

10. Public servants.- All employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

11. Appointment of officers, employees, etc.- To carry out the purposes of this Act, the Commission may, appoint advisors, consultants and experts, having specialization and expertise in the related field and other officers and employees on such terms and conditions as may be prescribed.

PART-IV

MAINTENANCE OF PARENTS AND SENIOR CITIZENS

12. Maintenance.- (1) A senior citizen including parent who is unable to maintain himself from his own earning or out of property owned by him, shall be entitled to make an application under section 13 in case of,-

- (a) Parent or grand-parent, against one or more of his children not being a minor;
- (b) A childless senior citizen, against such of his relative referred to in paragraph (l) 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 child to maintain his 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 senior 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 relatives in the proportion in which they would inherit his property.

