

Passed on:-21-06-2021

[AS PASSED BY THE SENATE]

A

BILL

to provide for the well-being, comfort and dignity of the senior citizens residing in the Islamabad Capital Territory

WHEREAS it is expedient to establish a Fund to provide for the well-being, comfort, and dignity of the senior citizens residing in the Islamabad Capital Territory;

WHEREAS the Constitution of the Islamic Republic of Pakistan enjoins on the State to alleviate the sufferings of all citizens, irrespective of sex, caste, creed or race;

AND WHEREAS Pakistan being a member state of the United Nations has committed to fulfilling its international obligations which include following the UN Principles for Older Persons and Madrid International Plan of Action on aging;

Therefore it is hereby enacted as follows:

**PART - I
PRELIMINARY**

1. Short title, extent and commencement. - (1) This Act may be called the Islamabad Capital Territory Senior Citizens Bill, 2021.

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

(3) It shall come into force at once.

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

(a) **"Act"** means the Islamabad Capital Territory Senior Citizens Act, 2021;

(b) **"Code"** means the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) **"Council"** means the Islamabad Capital Territory Senior Citizens Council established under section 3 of this Act;

(d) **"Court"** means the District and Sessions courts of Islamabad and the Islamabad High Court;

- (e) **"Chairperson"** means the Chairperson of the Council;
- (f) **"Controlling Ministry"** means the Ministry and the relevant Department from where the Senior Citizen had retired;
- (g) **"Fund"** means the Senior Citizens Fund established under section 15 of this Act;
- (h) **"Government"** means the Federal Government.
- (i) **"Indigent"** means any senior citizen who is frail, sickly, or with disability, and without pension or permanent source of income, compensation or financial assistance from his relatives or from any other source to support his basic needs;
- (j) **"Prescribed"** means as prescribed by the Rules or Regulations made under this Act;
- (k) **"Regulations"** mean the regulations made by the Council under section 26 of this Act;
- (l) **"Rules"** mean the rules made under section 25 of this Act;
- (m) **"Senior Citizen"** means an elderly person who has attained sixty years of age or more and is residing in the Islamabad Capital Territory;
- (n) **"Welfare"** includes all such services relating to the social, economic, boarding and lodging needs of the senior citizens as well as their legal protection as provided under this Act; and
- (o) **"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 used but not defined in this Act and defined in laws pertaining to Old Age Benefit and Pension Laws shall have the same meaning assigned to them in that Act.

PART-II
SENIOR CITIZENS COUNCIL

3. Establishment of the Council.- (1) The Ministry of Human Rights shall establish a Council to be known as the Senior Citizens Council.

(2) The Council shall be an autonomous body corporate having its own seal and may enter into contracts and may acquire, purchase, rent, hold and enjoy moveable and immovable property of every description and may in all legal ways transfer or dispose of any moveable or immovable property or any interest vested in such property.

(3) The seal of the Council shall be kept in the custody of the Chairperson of the Council.

(4) The head office of the Council shall be at Islamabad.

(5) The Council shall be established, as soon as, this Act comes into force.

4. Composition of the Council.-(1) The Council shall consist of the following:

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| (a) | Minister for Human Rights Division | Chairperson |
| (b) | Member of the Civil Society to be nominated by the Ministry of Human Rights | Member |
| (c) | Chief Commissioner, ICT | Member |
| (d) | One representative not below the level of Joint Secretary of the Finance Division | Member |
| (e) | One representative not below the level of Joint Secretary of the National Health Services, Regulations and Coordination Division | Member |
| (f) | One representative from Pakistan Bait-ul-Maal | Member |
| (g) | Senior Citizen nominated by Human Rights Division | Member |
| (h) | One member of the National Assembly from the opposition to be nominated by the Speaker | Member |
| (i) | One member of the Senate from the opposition to be nominated by the Chairman Senate | Member |

- (j) One representative from Poverty Alleviation Member and Social Security Division not below the level of Joint Secretary
- (k) A representative from the Pakistan Bar Member Council
- (l) Secretary Human Rights Division *Ex-officio Member cum Secretary*

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

(3) The members of the Council, other than ex-officio members, shall be nominated for a term of three years which may be extended for another term of three years.

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

(5) 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 the office for the unexpired period of the term of his predecessor.

5. Executive Committee of the Council.-(1) The Council shall constitute an Executive Committee comprising of the Chairperson, two members and Secretary of the Council.

(2) The Executive Committee shall perform such functions as may be assigned to it by the Council.

6. Appointment of employees or officers.-To carry out the purposes of this Act, the Council may appoint or employ advisors, experts and consultants of the required fields on such terms and conditions as may be prescribed in the Regulations.

7. Qualification of Members.-No person shall be a member of the Council unless,-

- (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 disqualified for employment in or dismissed from Government service;
- (e) he is not acting in contravention of the provisions of this Act;
- (f) he has no conflict of interest, directly or indirectly, with the Council.

8. Powers and Functions of the Council.-(1) Subject to the provisions of this Act and any rules prescribed therein, the Council 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 Council shall:

- (a) formulate policy proposals on senior citizens in the light of national and international commitments on the welfare of senior citizens and submit these proposals to the Division concerned with the subject of the Act 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 formulation;
- (c) take steps towards introduction of geriatrics as part of the syllabus of medical universities and colleges;
- (d) propose and ensure arrangements in hospitals for better medical attention to senior citizens;
- (e) create facilities including clubs, for better social inter-action among senior citizens;
- (f) arrange workshops to educate senior citizens about life changes required for a healthy and satisfying old age;
- (g) formulate proposals to accommodate the requirements of senior citizens in urban and rural planning and development;
- (h) undertake social, economic and other welfare activities in collaboration with public and private sectors for the welfare of senior citizens;

- (i) mobilize financial resources for welfare and rights of the senior citizens;
- (j) constitute committees to assess and carry out welfare activities for senior citizens;
- (k) co-ordinate with Government, non-governmental and international social and welfare organizations at national and international level to take steps for the welfare of senior citizens;
- (l) make regulations for proper functioning of the Council including regulations for appointment of different categories of employees under the administrative control of the Council;
- (m) publish reports and other material for guidance and welfare of senior citizens;
- (n) grant of senior citizens awards in the fields of their expertise;
- (o) create awareness in the public through organizing seminars, workshops, conferences and use of mass media;
- (p) establish senior citizens old-age homes to accommodate homeless, deserted and indigent senior citizens;
- (q) encourage to setup organization of senior citizen corps for utilization of their potential for service activities and national development;
- (r) ensure fulfillment of international commitments of Pakistan relating to senior citizens; and
- (s) such other matters as may be prescribed.

9. Meetings of the Council. – (1) The meetings of the Council 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. The quorum shall be constituted by one-third of the total members of the Council.

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

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

PART -III
ESTABLISHMENT OF OLD-AGE HOME

10. Establishment of old-age Home.-(1) The Division concerned shall establish and maintain old-age homes to be known as Dar-ul-Shafqat, an accessible place, to accommodate the indigent senior citizens of Islamabad.

(2) The Division concerned shall prescribe a scheme for management of old age home including the standards and various types of services to be provided by the old-age home, which is necessary for medical care and provides means of entertainment to inhabitants of such home.

(3) The Division concerned shall encourage and promote schemes for establishment of old homes in private sector and the Council shall regulate such old homes in the prescribed manner.

PART - IV
PRIVILEGES TO SENIOR CITIZENS

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

(2) The procedure and criteria for obtaining the senior citizen card shall be prescribed in the Rules.

(3) The senior citizen shall be allowed the following privileges upon obtaining the senior citizen card:

- (a) free of charge entry to public museums, libraries, parks and recreation facilities;
- (b) provision of express lanes in all government establishments;
- (c) financial support to deserving senior citizens;
- (d) provision, at the Government hospitals or hospitals fully or partially funded by the Government of;
 - (i) separate counters;
 - (ii) separate medical wards and beds as far as practicable;

- (iii) maximum concession in medical and dental services; diagnostic and laboratory facilities including but not limited to x-rays, computerized scans and blood tests;
 - (iv) concession in medicine charges; and
 - (v) to provide facilitation in Police Stations.
- (e) grant of twenty percent discount on purchase of the following goods and services from all designated establishments, for the exclusive use and enjoyment of the senior citizens:
- (i) on purchase of medicines and such other medical supplies, accessories, and equipment as may be prescribed;
 - (ii) on professional fees of attending physicians, medical and dental facilities and diagnostic and laboratory fees in all designated private hospitals, medical facilities, outpatient clinics and health care services; and
 - (iii) on domestic fare while travelling by Airlines, Railways and Government transport.
- (f) exemption from the payment of individual income taxes of senior citizens where the annual income of the senior citizen is such as may be prescribed;
- (g) Financial support upon application made by the indigent senior citizen to the Council subject to determination by the Council;

12. Retirement benefits. – (1) The Controlling Ministry shall ensure that pensionary benefits and dues from concerned departments shall be directly transferred to the concerned financial institution or post office.

(2) The Controlling Ministry shall regularly review the retirement benefits of retired senior citizens from both the government and the private sector to ensure their continuing responsiveness and sustainability, and to the extent practicable and feasible, such retirement benefits shall be upgraded to be at par with the current scale enjoyed by those in actual service.

13. Transfer of Property void in certain cases. – (1) Where any senior citizen who has transferred by way of Hiba-ba-Shart-ul-Iwaz or otherwise, his property, subject to the condition that the transferee shall provide the basic necessities of life such as maintenance to the transferor and such transferee refuses or fails to provide such basic necessities, the said transfer of property may at the option of the transferor be declared void by court of competent jurisdiction.

(2) Where any senior citizen has a right to receive maintenance out of assets and such assets 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.

14. Application for Maintenance. – An application for maintenance may be made by a parent who is a senior citizen and is unable to maintain himself from his own earning or out of the property owned by him, against his legal heir, who is not a minor and is in possession of or would inherit his property after the parent's death, to an ADR Centre as provided in the Alternative Dispute Resolution Act, 2017 and the provisions of the said Act shall *mutatis mutandis* apply to the application.

15. Fund. – (1) The Ministry of Human Rights in collaboration with the Ministry of Finance shall establish a Fund to be known as the Senior Citizens Fund after commencement of this Act, and it shall consist of:

- (a) all grants, allocations made by the Government;
- (b) all donations, endowments, contributions made by the private individual organizations within the country and abroad; and
- (c) all sums received by the Council from any other source including Pakistan Bait-ul-Mal, profits on investment from funds, funds generated by different campaigns and received from any 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 Council, which shall make such allocations for specific activities, enumerated in sections 8, 10 and 11 of this Act as deemed appropriate and in line with the performance of functions of the Council.

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

- (4) The Fund shall be utilized for,-
 - (a) the establishment charges; and
 - (b) welfare and protection of the senior citizens.

(5) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Council. The Ministry of Human Rights by issuing a notification in the official Gazette shall make known the details of the Fund.

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

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

Exemption. – The Senior Citizens Fund shall be exempted from all kinds of taxation or levies under any law in force for the time being. All donations made to the Fund shall also be exempt from taxes.

PART-V GRIEVANCES AND REDRESSAL PROCEDURE

17. Grievance Committee. – (1) The Council shall constitute a Grievance Committee for redressal of grievances of senior citizens.

(2) The Grievance Committee shall consist of three members appointed by Council.

(3) The Council shall appoint one of the members of the Grievance Committee to be the chairman of the Grievance Committee.

18. Procedure on Complaints.–(1) If any complaint is received or any question or dispute arises as to entitlement of any privilege under this Act, the matter shall be decided by the Grievance Committee in such manner and within two weeks of receipt of such complaint, as may be prescribed.

(2) If a person or entity contravenes any provision of this Act, the Grievance Committee may, in the prescribed manner, direct such person to pay fine which may extend up to fifty thousand rupees.

(3) In case of complaints related to negligence of private and public health sector, particularly related to loss of life, the Committee shall have the powers under sub-section 18(3) to enquire into such complaints and upon findings of negligence impose fine of minimum one million rupees on the responsible entity.

(4) The Committee shall, while enquiring into complaints under this Act, have all the powers of a civil court trying a suit under Code of Civil Procedure, 1908 in respect of the following matters, namely:-

- (a) Summoning and enforcing attendance of witnesses and their examination on oath;
- (b) Discovery and production of documents;
- (c) Receiving evidence of affidavits;
- (d) Requisitioning of public record or copy thereof from court or any office; and
- (e) Any other matter which may be prescribed.

19. Violation of directions of the Council. (1) Whoever refuses to honor the senior citizen card or does not comply with any direction issued to him by the Council, shall be tried in accordance with the Code and will be liable to a fine not exceeding fifty thousand rupees:

Provided that no action shall be taken under this section, other than in cases of emergency, unless fifteen days' notice has been given for compliance and such person has failed to comply.

20. Exposure and abandonment of senior citizen. – Whenever any person, responsible for the care and protection of senior citizen, leaves such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with a fine which may extend to one hundred thousand rupees by the Grievance Committee.

21. Appeal and Recovery. – (1) Any person aggrieved from a decision of the Grievance Committee under section 19 or 20 may, within fifteen days from the date of decision, file an appeal before the Council whose decision against appeal shall be final.

(2) The Council may authorize any officer to recover the amount of fine levied under this Act or any other amount recoverable under this Act and such officer shall be deemed to be 'Collector' under the Land Revenue Act, 1967.

PART – VI MISCELLANEOUS

22. Authorities for implementing provisions of this Act. – The Ministry of Human Rights may, confer such powers and impose such duties on Deputy Commissioner or any other officer of that rank as may be necessary to ensure that the provisions of this Act are properly carried out.

23. Public Servants. – All employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

24. Application to private sector. – This Act shall apply to such private entities, bodies and organizations as the Division concerned may specify by notification in the Official Gazette.

25. Power to make rules. – The Federal Government may make rules for carrying out the purposes of this Act, such rules shall be notified in the Official Gazette.

26. Power to make Regulations. – Subject to the provisions of this Act and the rules, the Council may by notification in the official Gazette make regulations for carrying out purposes of this Act.

27. Power to override other laws.– The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

28. Power to remove difficulties. – If any difficulty arises in giving effect to the provisions of this Act, the Federal Government, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing such difficulty.

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

STATEMENT OF OBJECT AND REASONS

It is the duty of the State to provide protection, either directly or by means of institutions established to provide financial assistance to senior citizens. Every person has the inherent right to a healthy and comfortable home, a healthy diet, adequate clothing, care of physical and moral health, as well as right to means of recreation, work, stability and respect.

This Bill aims to socially and economically protect the senior citizens of Islamabad. In this respect it aims to establish a Fund for these senior citizens as well as build and maintain old-age homes for the indigent senior citizens. It also creates a Council, including members from all relevant departments of the Government, that shall ensure that all possible steps and acts are taken to provide for the well-being, comfort and dignity of these senior citizens.

MINISTER FOR HUMAN RIGHTS