

**SINDH ACT NO.XXI OF 2016**

**THE SINDH SENIOR CITIZENS WELFARE ACT, 2014**

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[28<sup>th</sup> June, 2016]

to make provisions for the welfare of senior citizens of the Province of Sindh.

WHEREAS it is expedient to make provisions for welfare of the senior citizens of the Province of Sindh by providing them support for improvement of their entire well-being of the elderly, their participation in the society and to provide for matters ancillary thereto;

### Preamble

### CHAPTER-I PRELIMINARY

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Senior Citizens Welfare Act, 2014.

**Short title, extent and commencement.**

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant to the subject or context –

**Definitions.**

(a) "Council" means the Council established under section 3;

(b) "dental services" means the dental services provided by the hospital, clinic, dispensary and health care centre controlled by Government;

(c) "geriatric" means the branch of medical science devoted to the study of the biological and physical changes and the diseases of old age;

(d) "Fund" means the Senior Citizens Welfare Fund established under section 12.

(e) "Government" means the Government of Sindh;

(f) "lodging establishment" means a building, edifice, structure, apartment or house including tourist inn, apartelle, motorist hotel, and pension house engaged in catering lasing or providing facilities to transients, tourists or travellers;

(g) "medical and health services" means a hospital services, professional services of physicians and other health care professionals and diagnostics and laboratory tests necessary for diagnosis or treatment of an illness or injury provided in Government hospitals, clinics, dispensaries and health care centres;

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- (h) “prescribed” means prescribed by rules made under this Act;
- (i) “senior citizen” means a senior citizen permanently resident of the Province of Sindh who is the age of sixty years or above;
- (j) "senior citizen card" means the identification card issued by the Council to avail benefits and privileges as provided under this Act.

#### CHAPTER-II SENIOR CITIZENS COUNCIL

3. (1) Government shall, by notification in the official Gazette, establish a Council for the welfare of the senior citizens which shall consist of –

**Establishment of council.**

- |        |  |                          |
|--------|--|--------------------------|
| (i)    | Minister for Social Welfare Department   | <b>Chairperson</b>       |
| (ii)   | Two Members of Provincial Assembly of Sindh to be nominated by the Speaker of Sindh Assembly                             | <b>Member</b>            |
| (iii)  | Secretary, Finance Department  | <b>Member</b>            |
| (iv)   | Secretary, Health Department   | <b>Member</b>            |
| (v)    | Secretary, Local Government Department   | <b>Member</b>            |
| (vi)   | Secretary, Zakat and Usher Department  | <b>Member</b>            |
| (vii)  | Secretary, Transport Department  | <b>Member</b>            |
| (viii) | Secretary, Food and Agriculture Department   | <b>Member</b>            |
| (ix)   | Two members from amongst a well known NGO's, one engaged in the welfare of the Senior Citizens and one from human rights | <b>Member</b>            |
| (x)    | Two senior citizens from civil society, one of whom shall be a retired Government officer and one businessman            | <b>Member</b>            |
| (xi)   | One Retired Sessions Judge or Additional Sessions Judge  | <b>Member</b>            |
| (xii)  | Secretary, Social Welfare Department   | <b>Member/ Secretary</b> |

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(2) The Council shall be a body corporate, having perpetual succession and a common seal with the power to acquire, hold and dispose of property both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Council shall be at Karachi and it shall establish its offices at district level in Sindh.

(4) The Council may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(5) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(6) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as the Government may determine.

(7) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by the Government without assigning any reason.

(8) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

4. No person shall be or shall continue to be a member who –

- (I) is not a citizen of Pakistan;
- (II) is found a lunatic or becomes of un-sound mind;
- (III) is or at any time has been convicted of an offence involving moral turpitude;
- (IV) is or has at any time been adjudicated insolvent;
- (V) is or has at any time been disqualified for employment in or dismissed from Government service;
- (VI) is acting in contravention of the provisions of this Act;
- (VII) has financial interest in any aspect of the Authority, or has a conflict of interest, directly or indirectly, with the Authority.

#### **Disqualification of member.**

5. (1) Subject to other provisions of this Act, the Council shall take such measures and perform such functions as may be necessary for welfare of the senior citizens and improving their well-being of the elderly and participation in the society.

#### **Functions of the Council.**

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(2) Without prejudice to the generality of the foregoing functions, the Council shall –

- (a) formulate policies for welfare and improving the well-being of senior citizens;
- (b) issue the Senior Citizens Card (**AZADI CARD**) by providing essential services and benefits to the senior citizens;
- (c) establish senior citizens lodging establishment, homes for physical, mental, emotional, social and economic well-being of senior citizens;
- (d) promote participation of senior citizens in the national life and use their knowledge, skills and experience in various fields of life;
- (e) liaise with National and International Agencies and Non-Governmental Organization for providing financial assistance periodically in improving of the well-being of senior citizens;
- (f) provide free geriatric, medical and health services with free medicines as prescribed by the respective Medical Officer from Government dispensaries, hospitals, medical centres **and 25% concession on all private hospitals, medical centers and clinics;**
- (g) provide assistance to the retired senior citizen to get his pensionary benefits and other dues from the concerned departments and organizations;
- (h) provide **fifty** percent concession in fares in road transport and twenty five percent discount on purchase of goods, drugs, medicines and essential commodities for his personal use and services provided to him by the manufacturers, retailers, service providers and professionals;
- (i) provide **twenty five percent** discount at recreation centres, cinemas, theatres, visiting places including hotels, motels, resorts, restaurants, food points and lodging establishments;
- (j) provide free services for funeral and burial on the death of senior citizen by the local council;
- (k) provide exemption to the senior citizen from training fees for socio-economic programmes;

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- (1) perform such other functions and exercise such other powers for achieving the objectives of this Act.

**Explanation:**

*Wherever there is a mention of concession in this Act it means the concession in the net profit of the seller.*

6. (1) The meetings of the Council shall be held as and when required by the Chairperson or in his absence, the Vice-Chairperson at the time and place as the Chairperson or Vice Chairperson, as the case may be; provided that the meeting shall be held at least once in two months.

**Meetings of the council.**

(2) Half of the total membership of the Council shall constitute a quorum for a meeting of the Council.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Council shall be taken in such meeting.

(4) The decision of the Council shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

7. Government may assign any other function to the Council or for carrying out any activity being essential and beneficial for development and improvement of well-being of a senior citizen.

**Delegation of Powers by Government.**

### CHAPTER-III ESTABLISHMENT OF OLDAGE HOMES

8. (1) Government shall 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 indigent senior citizens in such homes.

**Establishment of old age homes.**

(2) Government shall prescribe 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 inhabitants of such homes.

**Explanation:-** For the purpose of this section, "indigent" means any senior citizen who has not having sufficient means of income as may be determined by the Council, from time to time.

(3) The District Social Welfare Officer shall be the Incharge of the Old age homes **for financial matters and a trained Health/ Geriatric Care Worker for day to day administrative affairs.**

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#### CHAPTER-IV PROVISION OF MEDICAL CARE OF SENIOR CITIZENS

9. Government shall ensure that –

**Powers and functions  
of Government.**

- (i) 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, geriatric and degenerative diseases;
- (iv) research activities for chronic elderly diseases and aging;
- (v) earmark facility for geriatric patient in every district Government hospital duly headed by a medical officer with experience in geriatric care;
- (vi) establishment of senior citizens day care centres to promote their physicals, mental and recreational needs;
- (vii) availability of special facilities in banks and saving centres and special facilities in ticket counters;
- (viii) exemption of senior citizen is exempted from payment of any tax by any department, bank or institution on their incomes and profits earned by the Senior Citizens;
- (ix) fifty percent concession in fare of both public and private within and inter-city transport and recommendation of concession in fair / ticket of Railways and PIA on prescribed forms of said Organizations;
- (x) arrange programme for retraining and job oriented skill training for senior citizens;
- (xi) make provision of Zakat funds and Baitul Maal for maintenance, medical and other financial problems of senior citizens;
- (xii) concession of twenty five percent on drugs and medicines for treatment of age related illness senior citizen;
- (xiii) to make provisions of Benevolent Funds for special needs of Senior citizen;
- (xiv) to observe of International Senior Citizens Days;

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- (xv) to provide opportunity to the senior citizen in sharing his expertise in delivering lecture, writing book and nominating for award of prize, medal, shield and certificate in recognition of services.
- (xvi) to collect data of senior citizens at Union Council level;
- (xvii) to support the Non-governmental Organizations working for the welfare of senior citizens;
- (xviii) to make provisions for wide publicity through public media including the television, radio and print at regular intervals regarding facilities provided to senior citizens under this Act;
- (xix) to impart training to the officers of Government, including police officers and members of the judicial service, sensitization and awareness on the issues relating to this Act;
- (xx) for effective coordination 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.

10. (1) Government may confer such powers and impose such duties on a Deputy Commissioner as may be necessary, to ensure that the provisions of this Act are properly carried out and the Deputy Commissioner may specify the officer subordinate to him who shall exercise all or any of the powers, and perform all or any of the duties so conferred or imposed and the local limits within which such powers and duties shall be carried out by the officers as may be prescribed.

**Implementation of the provisions of this Act.**

(2) Government shall prescribe comprehensive action plan for providing protection of life and property of senior citizens.

11. 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 basis 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 Government **Revenue Department by Notification restricts all Registrar Offices to make sure that an additional clause be inserting to this effect in all future transfer agreements.**

**Transfer of property to be void in certain circumstances.**

12. (1) There shall be established a Fund to be known as the Senior Citizens Welfare Fund.

**Senior Citizens Welfare Fund.**



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(2) The Fund shall be utilized for all activities relating to welfare of senior citizens and improving their well-being in the society.

(3) The sources of the Fund shall include the sum of money allocated by the Government, grants-in-aid from multi-lateral and bilateral donors, national or international organizations, local councils, civil society or from any other source.

(4) The Council shall, with the approval of Government, invest the Fund in any scheme including Government securities for raising funds.

(5) The Fund shall be managed and operated in the manner as may be prescribed.

13. The Fund shall be maintained in accordance with the rules and shall be auditable annually through Auditor General of Pakistan and the report of the audited accounts shall be presented to Government.

**Audit and accounts.**

#### CHAPTER- V OFFENCE AND PROCEDURE FOR TRIAL

14. Any person who refuses to honor the senior citizen card issued by the Council or violates any provision of this Act, shall be punished with rigorous imprisonment not less than one year but not more than three years or fine which may extend to thirty thousand rupees or with both.

**Contravention.**

15. Whoever, having the care and protection of senior citizen including family member and spouse, 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 three months or fine

**Exposure and abandonment of senior citizen.**

16. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall be cognizable and bailable.

**Cognizance of offences.**

(2) An offence under this Act shall be tried summarily by a Judicial Magistrate of First Class.

#### CHAPTER-VI MISCELLANEOUS

17. The officers authorized to do certain thing or act in certain manner shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

**Public servant.**

18. No suit, prosecution and other legal proceedings shall lie against Government, Council or any local authority in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

**Protection of action taken in good faith.**

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19. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. **Powers to make rules.**

20. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty. **Removal of difficulties.**