

Sixteenth Keralam Legislative Assembly

Bill No. 15

**THE KERALAM SENIOR CITIZENS' (CARE AND
PROTECTION OF RIGHTS) BILL, 2026**

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[Translation in English of “2026-ലെ കേരളം മുതിർന്ന പൗരന്മാരുടെ (പരിചരണവും അവകാശസംരക്ഷണവും) ബിൽ” published under the authority of the Governor.]

THE KERALAM SENIOR CITIZENS’ (CARE AND PROTECTION OF RIGHTS) BILL, 2026

A

BILL

to provide for the registration, regulation and monitoring of senior citizens care centres of varying nature functioning in the State so as to ensure their minimum standards and transparency in operation, to promote healthy and active ageing, support and capacity-building for family and care givers and the care, protection of rights, dignity and social security of senior citizens in the State, and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the registration, regulation and monitoring of senior citizens care centres of varying nature functioning in the State so as to ensure their minimum standards and transparency in operation, to promote healthy and active ageing, support and capacity-building for family and care givers and the care, protection of rights, dignity and social security of senior citizens in the State and for matters connected therewith or incidental thereto;

BE it enacted in the Seventy-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Keralam Senior Citizens’ (Care and Protection of Rights) Act, 2026.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “abuse” includes fiduciary or trust abuse, economic abuse, sexual abuse, verbal abuse, coercive control and the infliction of physical, emotional and psychological harm, deprivation of essential goods and services or neglecting the basic needs for a dignified life of a senior citizen;

(b) “ageing in place” means living in a dwelling place in which the senior citizen ordinarily resides, or has chosen to reside in the community safely, independently and comfortably regardless of age, income or ability and it also means facilitating the mainstreaming of senior citizens for their active and healthy ageing which is perceived to have a barrier-free age friendly society, focusing on family care as the primary model to be supported by the community and institutional care to be the last resort;

(c) “care” means measures to promote the physical, mental and emotional health and well-being of the senior citizens;

(d) “care giver” means a person who has the responsibility to provide care for a senior citizen, either voluntarily or by any contract against receipt of payment, who is trained as such to provide direct care, physical, emotional and medical support including palliative care to senior citizens who are in need of assistance in their daily tasks, health management and companionship in loneliness so as to make a profound impact on the quality of their life;

(e) “care giver training centre” means an institution or an agency or an establishment which imparts training to caregivers or family members engaged in geriatric care;

(f) “care and welfare” means provision for food, clothing, shelter, medical treatment, transportation, social services and entertainment of senior citizens, their involvement in spiritual, social and cultural activities and give priority comfort and dignified living for those incapacitated or differently abled persons;

(g) “cyber fraud” means any act or omission carried out wholly or partly through electronic, digital, online, automated, algorithmic or other technological means with the intent or effect of causing harm to a senior citizen and includes online financial or banking fraud, identity theft or misuse and the use of synthetic or artificial-intelligence-generated content to deceive, mislead or defraud a senior citizen and it being clarified that nothing in this section creates any offence, investigative power or procedure inconsistent with the Information Technology Act, 2000 (Central Act 21 of 2000) and this section operates as a coordination and victim-support provision only, without prejudice to prosecution under that Act or the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023);

(h) “District Level Senior Citizen Protection Forum” means a Forum constituted at district level under sub-section (1) of section 6;

(i) “District Level Senior Citizen Protection Unit” means a unit constituted at district level under sub-section (1) of section 8;

(j) “exploitation” means any illegal, unauthorized or fraudulent use of resources which includes intangible assets like goodwill, reputation and identity of the senior citizen by any person or institution for their own benefits and includes financial exploitation also;

(k) “family member” means son, daughter, adopted son, adopted daughter, son-in-law, daughter-in-law, grand-son, grand-daughter and in their absence, brother or sister of the senior citizen, but does not include a minor;

(l) “Fund” means the State Reserve Fund for the welfare of the senior citizens constituted under sub-section (1) of section 23;

(m) “Government” means the Government of Kerala;

(n) “home care service agency” means an agency or organization or any service provider, which provides care givers on demand and includes any digital platform, mobile application, website and other online intermediary that connects care givers with senior citizens or their families for reward or payment;

(o) “hospice” means a home or a facility or a place of hospitality to provide care to the sick and terminally ill or seriously ill persons, which is

designed to provide palliative care and emotional support in a home or home like set-up so that the quality of life of senior citizens is maintained and family members may become active participants in their care;

(p) “incapacitated senior citizen” means a senior citizen who is either physically not capable of supporting himself or a senior citizen with any of the disabilities as defined in the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016);

(q) “indigent senior citizens” means a senior citizen having no means or source of income or property for earning livelihood or having no family member for maintaining and taking care of, or being compelled to live a disregarded life despite the existence of a family member, because of not being maintained by that member;

(r) “life of dignity” means life with provisions for facilities to lead a dignified life with security, free from exploitation of any nature and mental and physical abuse;

(s) “Living Will” means a declaration in writing expressing the wishes of senior citizens at home or in any senior citizen care centre, fixing their preferred priorities towards their end-of-life decisions such as avoidance of surgery, IV fluids, chemotherapy, oxygen, admission in intensive care unit, use of invasive tubes and other medical aids aimed at keeping the senior citizen alive towards their end of life;

(t) “Local Self Government Institution” means a Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(u) “minor” means a person who, under the provisions of the Majority Act, 1875 (Central Act 9 of 1875), has not attained the age of majority;

(v) “multi service day care centre or Pakalveedu” means an institution registered as such, established and maintained by Government, local body, any organization or individual to provide day care facilities which also functions as a hub for active and engaged ageing of the senior citizens;

(w) “Nodal Officer for senior citizens” means a police officer designated as such by the State Government in each police station not below the rank of an Assistant Sub Inspector of Police and a police officer each at District level and at State level exclusively to deal with the issues relating to the senior citizens within the specified area;

(x) “oldest of the old” means senior citizens above eighty years of age;

(y) “organization” means any voluntary or private or Non Governmental Organization or a society or trust or agency or social enterprise functioning in the State and is registered under any law for the time being in force;

(z) “palliative care” is an approach that improves the quality of life of senior citizens and that of their families who are facing challenges associated with life threatening illness, whether physical, psychological, social or spiritual and includes ‘end-stage-care’ and support system for senior citizens;

(za) “prescribed” means prescribed by rules made under this Act;

(zb) “property” means the property of any kind whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property;

(zc) “protection of rights” means the measures taken to ensure and safeguard the general principles of rights, care and welfare of the senior citizens;

(zd) “Registrar” means the Registrar designated by the Government under section 11 of this Act, for the registration of the senior citizen care centres or such other similar institutions;

(ze) “relative” means any legal heir of a senior citizen, having no children, who is not a minor and who would be in possession of the property of the senior citizen after his death or who would inherit the property of the senior citizen;

(zf) “respite care” means a temporary or short term care provided to the very old, especially to the bedridden ‘oldest of the old’ or seriously sick senior citizen who is in need of intensive care so that the regular primary care giver will get a short term relief;

(zg) “senior citizen” means any person who is a citizen of India and completed sixty years of age or above;

(zh) “senior citizen care centre” means an institution or a care home or an agency or a shelter or other facility of similar nature established and operated for the care, welfare and protection of rights of the senior citizen, with or without collecting fees and includes a senior citizen care home, multi service day care centre for senior citizens, any other day care centre for senior citizens, respite care centre, an institution for hospice care, home care service agency, care giver training centre or any other institutions or agencies of similar nature by whatever name called and engaged in geriatric services of any nature but does not include the old age homes established and operated by Government as provided in Chapter III of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007) and long term care homes and units within the purview of the Mental Healthcare Act, 2017 (Central Act 10 of 2017);

(zi) “senior citizen care home” means a home or shelter to provide residential facility for the care and welfare of senior citizens with or without collecting fees and includes a retirement home, an assisted living facility and hospices run by a Non-Governmental Organisation or the Government;

(zj) “State” means the State of Kerala;

(zk) “State Senior Citizen Protection Unit” means a unit constituted under sub-section (1) of section 5 of this Act.

CHAPTER II

GENERAL PRINCIPLES AND RIGHTS OF SENIOR CITIZENS

3. *General Principles.*—The State Government, Local Self Government Institutions, other government agencies and institutions registered under this Act, as the case may be, while implementing the provisions of this Act shall be guided by the following basic principles, namely:—

(i) *Principle of right to dignity and respect:* Every senior citizen shall be entitled to have a dignified life with security free from all types of exploitation and mental and physical abuse. Senior citizens should be treated fairly, regardless of age, gender, racial or ethnic background, disability or other status and be valued independently of their economic status.

(ii) *Principle of best interest*: All decisions regarding the senior citizens shall be made with primary consideration to their best interest, prioritizing supported decision making and resorting to substitute decision making only where supported decision making is not possible, so as to foster trust, respect and confidence.

(iii) *Principle of 'ageing in place' and home based care*: The senior citizen shall reside at their home as far as possible and sufficient care should be given to them by the family members or relatives or legal heirs so as to enable senior citizens to have a healthy and active ageing at home. Every senior citizen shall be given opportunity for ageing in place and institutional care shall be the last resort. Senior citizens should have access to health care facilities to help them maintain the optimum level of physical, mental and emotional well being.

(iv) *Principle of safety, security and social care ecosystem*: All measures shall be taken to ensure that senior citizens are safe and not subjected to any maltreatment or mental or physical abuse. Senior citizens should be able to utilize appropriate levels of institutional care providing protection, rehabilitation, and social and mental stimulation in humane and secure environment. The State shall ensure the progressive realization of a rights-based, integrated health and social care ecosystem that prioritizes the evolving needs of individuals throughout their life course. All policies, resource allocations, and service delivery frameworks under this Act shall be anchored on the proactive prevention of disease, the promotion of healthy ageing, and the active involvement of individuals and communities in their own care decisions.

(v) *Principle of independence*: Senior citizens should have the opportunity to work or to have access to other income generating activities. Senior citizens shall get State support to ensure food security, shelter, health care facilities and other requirements including voluntary age preparedness programmes, appropriate insurance schemes, protection against exploitation and abuse. They should be able to enjoy human rights and fundamental freedoms while residing at home or sheltered in any health care or treatment facility including full respect for their dignity, beliefs, needs, privacy and right to make decision about their care and quality of life including the right to make 'Living Will' as may be prescribed in the guidelines.

(vi) *Principle of participation:* Participation of the senior citizen in the policy making shall be encouraged. They should be able to pursue opportunities for realizing their potential and access to educational, cultural, spiritual and recreational sources of the society. They should be free to form association or movements or association with other fellow people. Senior citizens shall be integrated and actively engaged in the society enabling them to share their knowledge and skill with younger generations so that the State as well as the younger generations benefit from their experiences and opinions.

4. *Rights of senior citizens.*—The State Government, Local Self Government Institutions, other government agencies and the institutions registered under this Act, as the case may be, while implementing the provisions of this Act shall take appropriate steps to ensure the following rights, namely:—

(i) *Priority protection for senior citizen women :* Every senior citizen who is a woman shall have the right to priority shelter and placement in a senior citizen care centre established, owned, controlled by, or receiving aid from, the Government or a local authority, where she is a widow or has been abandoned or disabled or violence survivors, homeless or destitute and priority enrollment in multi service day care centres or Pakalveedu.

(ii) *Right to access care:* Every senior citizen shall have the right to access in home care services, assisted living facilities in day-care centres, respite care, palliative care, hospice care and emergency medical assistance through senior citizen care centres established, owned or controlled by, or receiving aid from the Government or a local authority, provided at affordable cost, of good quality, available in sufficient quantity, accessible geographically, and without discrimination on the basis of gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class, or disability.

(iii) *Right to safe public spaces:* All public buildings, public facilities, services and other public spaces in the State shall ensure senior citizen-friendly access as per universal design principles, including ramps, priority seating and queue and accessible washrooms, compliance with accessibility standards as prescribed by Government from time to time.

(iv) *Right to digital inclusion and safety*: Every senior citizen shall have the right to access Government services, banking - financial services, telemedicine, right to information, education, income opportunities and other digital services in a manner accessible to persons with limited digital literacy and ensure availability of non-digital alternatives. The Government shall notify accessibility standards for State digital portals designed for senior citizen use including simplified interfaces, large-text, voice-assisted functionality, high-contrast display modes and shall launch a digital literacy programme for senior citizens through multi service day care centres or Pakalveedu and such other locations as it deems fit. Additionally, to protect Senior Citizen users from cyber fraud, dedicated police cyber-cells will give priority to their complaints and financial institutions will offer specialized safeguards such as transaction alerts and optional secondary contact notifications.

(v) *Right to legal aid*: Subject to the laws in force, every senior citizen shall be entitled to free legal aid and legal literacy through the Legal Services Authorities and the Keralam State Elderly Commission to enforce or protect their rights under this Act.

(vi) *Right to access dignity-preserving products*: The senior citizens in the state shall be entitled to essential eldercare products including mobility aids, hearing aids, spectacles, continence-management products and similar assistive devices at accessible and reasonable rates.

(vii) *Reporting of abuse and protection of reporting persons*: Every registered medical practitioner and every senior citizen care centre that has reason to believe that a senior citizen is being subjected to abuse, neglect or exploitation shall report the same to the District Level Senior Citizen Protection Unit. Where such practitioner or centre has clinical evidence that a patient has been denied food, water or medication for a period likely to cause significant harm or has sustained physical injury inconsistent with the stated description, such report shall be made within forty-eight hours of the examination.

CHAPTER III

STATE AND DISTRICT LEVEL INSTITUTIONAL SYSTEM

5. *Constitution of State Senior Citizen Protection Unit.*—(1) The Government shall, within three months from the date of commencement of this Act, by notification in the Official Gazette, constitute a State Senior Citizen Protection Unit as follows, namely:—

- (a) Director, Department of Senior Citizens-Chairperson (Ex-officio);
- (b) Additional Director, Department of Senior Citizens-Co-chairperson (Ex-officio);
- (c) Law Officer — Member;
- (d) One social worker — Member;
- (e) One Technical Assistant — Member.

(2) The qualification, experience and terms and conditions of service of the staff of the State Senior Citizen Protection Unit shall be as prescribed by the Government from time to time.

(3) The tenure of the members other than ex-officio members shall be as may be prescribed and their fees and other allowances shall be as may be prescribed in the guidelines.

(4) The powers and functions of the State Senior Citizen Protection Unit shall be as may be prescribed.

(5) The Government shall constitute a technical advisory committee to support the State Senior Citizen Protection Unit with experts in geriatric care, public health, social work, gender studies and such other fields, for advising in matters related to policy formulation, planning, programme implementation and related activities.

(6) The Head Quarters of the State Senior Citizen Protection Unit shall be at Thiruvananthapuram.

6. *Constitution of District Level Senior Citizen Protection Forum.*—(1) The Government shall within three months from the date of commencement of this Act,

by notification in the Official Gazette, constitute a District Level Senior Citizen Protection Forum in each district as follows, namely:—

- (a) District Collector — Chairperson (Ex-officio);
- (b) District Police Chief — Member (Ex-officio);
- (c) Joint Director, Local Self Government Department — Member (Ex-officio);
- (d) District Medical Officer — Member (Ex-officio);
- (e) Secretary, District Legal Services Authority — Member (Ex-officio);
- (f) District Officer, Department of Senior Citizen — Convenor (Ex-officio);
- (g) Two senior citizens of reputed personalities, who are experts in the field of law, social work, finance and geriatric care, public health of which one shall be female, as nominated by the Government;
- (h) Such other experts in the field of geriatric care and staff, as nominated by the Government.

(2) The tenure of the members other than ex-officio members and their fees and other allowances shall be as may be prescribed.

7. Functions and powers of the District Level Senior Citizen Protection Forum.—The functions, duties and powers of the District Level Senior Citizen Protection Forum shall be as follows, namely:—

(1) subject to the provisions of this Act, it shall be the duty of the Forum to direct, supervise and monitor the functions of the District Level Senior Citizen Protection Unit in the district so as to ensure the care, welfare and protection of senior citizens in the district concerned and to perform such other duties and functions as the Registrar or the Government may assign to it from time to time;

(2) to monitor the policies, schemes, plans and programmes of the Government relating to the protection, care, welfare and social security of senior citizens, being implemented through the District Level Senior Citizen Protection Unit;

(3) to monitor the activities carried out by the senior citizen care centres established by the Governmental agencies or any person or Non-Governmental Organisation in the district relating to the protection, care, welfare and social security of the senior citizens;

(4) to mobilize local level organisations to carry out activities pertaining to the protection, care, welfare and social security of senior citizens;

(5) to issue directions to redress the complaints about any senior citizen care centre, if any, received by the Forum or submitted to the Forum by the District Level Senior Citizen Protection Unit and to take *suo motu* action on complaints relating to the care, welfare and protection of senior citizens in the district;

(6) to take appropriate action for the closure of the senior citizen care centres which continue to act without complying the direction of the District Level Senior Citizen Protection Unit and for the rehabilitation of the inmates staying in such centres and to submit a report in this regard to the Registrar as per the guidelines issued by the Director, Senior Citizens Department;

(7) to exercise such other powers and perform such other functions as may be conferred or imposed on the Forum by the Government.

8. *Constitution of District Level Senior Citizen Protection Unit.*—(1) The Government shall, within six months from the date of commencement of this Act, by notification in the Official Gazette, constitute a District Level Senior Citizen Protection Unit in each district to assist the District Level Senior Citizen Protection Forum and the Registrar as follows, namely:—

(a) District Officer, Department of Senior Citizens — Chairperson (Ex-officio);

(b) Programme Officer, District Office of the Department of Senior Citizens — Co-Chairperson (Ex-officio);

(c) Law Officer — Member;

(d) One social worker — Member;

(e) One Technical Assistant — Member.

(2) The qualification, experience and terms and conditions of service of the staff in the District Level Senior Citizen Protection Unit shall be as prescribed by the Government from time to time.

(3) The tenure of the members other than ex-officio members and their fee and other allowances shall be as may be prescribed.

9. Functions, duties and powers of District Level Senior Citizen Protection Unit.—The District Level Senior Citizen Protection Unit shall perform the following functions, duties and powers, namely:—

(1) the District Level Senior Citizen Protection Unit shall function as the executing unit at the District Level to implement the provisions of this Act;

(2) to conduct enquiry as it deems fit on complaints, if any, received by it or forwarded from the District Level Senior Citizen Protection Forum and shall submit the enquiry report along with the complaint and records within 15 days from the date of receipt of such complaint to the District Level Senior Citizen Protection Forum for taking further necessary action;

(3) to conduct time bound enquiry and submit report to the Registrar on application for registration of senior citizen care centres after intimating the same to the District level Senior Citizen Protection Forum and if the application is defective, return the same to the applicant with direction to resubmit after rectifying the defects within the time limit specified in the guidelines;

(4) to enquire and ascertain whether any unregistered or unauthorized senior citizen care centre is functioning in the district and, if found so, conduct a detailed inspection and submit inspection report before the Registrar in accordance with the provisions of this Act within the time limit specified in the guidelines;

(5) to conduct *suo motu* enquiry on the basis of report or on information from any source or any person regarding any abuse or cruelty to senior citizens in the senior citizen care centres, in family, domestic or community settings within its jurisdiction and submit report to the District Level Senior Citizen Protection Forum forthwith for further action;

(6) to maintain up to date records on living will or agreement to donate property and other valuables to persons or institutions and will or agreement to

donate body after death for anatomic research and studies, if any, executed by any senior citizen either at home or in any senior citizen care centre and make necessary arrangements for the proper compliance of such instructions in these documents from time to time;

(7) to monitor the arrangements made for cremation or burial of any deceased resident of a care centre with or without family member, relative or legal heir, within the district, and matters including the execution of agreement by such resident to donate his valuables including immovable properties either to the State Reserve Fund or anybody else;

(8) to rehabilitate the indigent senior citizens who are in need of shelter in a suitable care centre so as to ensure their protection, care and welfare, subject to the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act 56 of 2007);

(9) to verify and ensure the infrastructure and other facilities of senior citizen care centres and care givers training centres as specified in the guidelines;

(10) to comply with the directions of the District Level Senior Citizen Protection Forum and the Registrar from time to time;

(11) to maintain updated data base, with provision of data security, of the elder care centres in the district in the prescribed format, maintain registers and submit annual report to the Registrar;

(12) to exercise such other powers and perform such other functions as may be conferred or entrusted by the Registrar and by the Government from time to time.

CHAPTER IV

ESTABLISHMENT AND OPERATION OF SENIOR CITIZEN CARE CENTRES

10. *Establishment and operation of Senior Citizen Care Centres.*—(1) The Government, any person, any organization, Local Self Government Institution, association or any agency may establish and operate a senior citizen care home, a day care centre, retirement home, Home Care Service Agency, Pakalveedu, care givers' training centre, or any other institution, by whatever name it may be called, for the care, protection and welfare of senior citizens.

(2) Every senior citizen care centre, paid or unpaid, established and operated by any person, organization, association, agency or Local Self Government Institution shall have the minimum standards and facilities, care coordination, referral and continuity mechanisms as prescribed by the Government.

(3) Every senior citizen care centre shall provide necessary facilities to the residents staying in or using such centres to involve in social, cultural or other recreational activities.

(4) Every senior citizen care centre shall ensure that senior citizens living therein or availing the services thereof are able to have a dignified and secured life free from all types of exploitation and abuse.

(5) Government shall specify separate guidelines for the management of each category of senior citizen care centres as listed below, including guidelines fixing the minimum standards of various types of services to be provided by each senior citizen care centre, which are necessary for the protection, care and welfare of senior citizens and the terms and conditions of services rendered by such centres, namely:—

(a) senior citizen care homes providing day and night shelter to senior citizens;

(b) day care centres providing day care services to senior citizens such as Pakalveedu or by whatever name called;

(c) care givers' training centres;

(d) home care service agency engaged in supplying care givers on demand for senior citizen care;

(e) any other type of institution or arrangement for the senior citizens.

CHAPTER V

REGISTRATION OF SENIOR CITIZEN CARE CENTRES

11. *Registrar.*—(1) The Government shall designate the Director, Department of Senior Citizens as the Registrar for the registration of all types of senior citizen care centres established in the State.

(2) The Registrar shall maintain separate register for the registration of each type of Care Centres in the manner as may be specified in the guidelines issued by the Government from time to time. The Registrar shall take steps to develop a secure e-registration portal and public searchable registry provided that personal data shall not be disclosed.

(3) The Registrar shall keep all applications for registration, relevant records and other documents received for registration and copy of the certificate of registration and orders issued under this Act as permanent records in his office.

12. Registration of Senior Citizen Care Centre.—(1) Every senior citizen care centre established after the commencement of this Act shall mandatorily be registered under the provisions of this Act.

(2) For the purpose of registration of a senior citizen care centre, the authority in charge of such centre shall submit an application in the prescribed format, to the Registrar through the District Level Senior Citizen Protection Unit along with the relevant records and documents, in the manner as may be prescribed in the rules. A registration fee shall be prescribed by Government from time to time and such fee remitted shall be accounted to the State Reserve Fund set up under this Act.

(3) Senior citizen care centres and such other similar institutions already registered under any other law for the time being in force before the commencement of this Act and functioning within the State, shall file an application for registration on remitting such fee as may be prescribed along with the existing certificate of registration and other relevant records, before the Registrar through the District Level Senior Citizen Protection Unit concerned within ninety days from the date of commencement of this Act.

(4) The District Level Senior Citizen Protection Unit shall, on receiving the application along with the receipt for payment of fee and relevant records, conduct a detailed enquiry as the case may be, and furnish a detailed report in the prescribed format along with recommendation to the Registrar. If the application for registration is defective, the District Level Senior Citizen Protection Unit shall

return it to the applicant with direction to resubmit after rectification of the defects within a specified time limit as prescribed in the guidelines.

(5) On verification of the report submitted by the District Level Senior Citizen Protection Unit as above and after due consideration of other relevant records, the Registrar shall either register the senior citizen care centre or reject the application after recording the grounds of rejection.

(6) After registration, the Registrar shall enter the name and other details of the senior citizen care centre in the register maintained for each category of senior citizen care centre and shall issue a certificate of registration in the format as may be prescribed in the rules.

(7) The certificate of registration so granted shall unless revoked, remain in force for a period of four years from the date of its issue and may be renewed from time to time in the prescribed manner.

(8) If the application is rejected, the speaking order thereof shall be communicated to the applicant and the District Level Senior Citizen Protection Unit concerned.

(9) The party aggrieved by the decision of the Registrar may file an appeal before the Secretary to Government, Department of Senior Citizens within thirty days of receipt of the order and thereupon Government shall, after hearing the parties concerned pass appropriate orders and the decision of the Government shall be final.

(10) In case where no appeal is filed against the order of rejection or an appeal preferred is rejected, the District Level Senior Citizen Protection Unit shall take appropriate measures for the closure of such centre and to rehabilitate the inmates staying there, as prescribed.

(11) Application for renewal of certificate of registration shall be made sixty days before the expiry of the validity period in the prescribed form to the Registrar through the District Level Senior Citizen Protection Unit concerned, along with such renewal fee as prescribed by the Government from time to time, and the fee so remitted shall be credited to the State Reserve Fund.

(12) The District Level Senior Citizen Protection Unit shall, on receiving the application, inspect the senior citizen care centre and furnish its report along with recommendation to the Registrar within thirty days.

(13) Where an application for renewal has been made within the time specified in sub-section (11) of section 12, the certificate of registration shall be deemed to continue in force until the application is finally disposed of.

(14) The Registrar may entertain an application for renewal made after the time specified in sub-section (11) of section 12 but not later than thirty days after the expiry of the certificate, on payment of such late fee as may be prescribed. Where no application is made within that period, the certificate shall lapse and the centre shall be deemed to be an unregistered senior citizen care centre for the purposes of this Act.

(15) The provisions for rejecting an application for registration shall apply to an application for refusing renewal also.

(16) If any senior citizen care centre continues to function without registration under this Act, after the expiry of the period of six months from the date of commencement of this Act, the District Level Senior Citizen Protection Unit shall on receipt of complaint or *suo-motu* conduct enquiry and prepare detailed report after hearing the opposite party and submit the same to the Registrar with recommendations.

(17) The Registrar shall, on receiving the report from the District Level Senior Citizen Protection Unit as mentioned in sub-section (16), impose the penalty prescribed and shall collect and credit the amount of the penalty to the State Reserve Fund established under this Act and may direct to take steps for registration.

(18) The Registrar may, if he has reason to believe that the holder of a certificate of registration granted under section 11,—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

he may, after making such enquiry, as he deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

13. *Continuing obligations of Home Care Service Agencies operating as or through digital platforms.*—Every home care service agency that operates or engages care givers through a digital platform, mobile application, website or other online intermediary shall, in addition to its obligations of registration under this Chapter, and in the manner specified in guidelines, namely:—

(a) maintain an accurate and continuously updated list of care givers deployed through it, verified against the State register of care givers under section 18;

(b) maintain safeguards to protect personal, health and financial information of senior citizens and care givers;

(c) establish mechanisms for preventing, detecting and reporting cyber fraud, financial exploitation, abuse or neglect by care givers deployed through it;

(d) publish transparent and accessible pricing, fee and grievance redressal mechanisms;

(e) designate a grievance redressal officer and co-operate with lawful investigations under this Act.

14. *Phased Certification Compliance.*—Every home care service agency shall ensure that the care givers deployed by it have, within two years of the commencement of this Act, not less than twenty-five per cent, within three years not less than sixty per cent and within four years all such care givers obtained certification under Chapter VI and shall be entitled to extension, not exceeding one year, as the State Senior Citizen Protection Unit may grant on good-faith compliance grounds.

CHAPTER VI

TRAINING, CERTIFICATION AND CARE ASSESSMENT OF
CARE GIVERS

15. *Training to the care givers in senior citizen care.*—(1) The Government or service providers or home care service agencies or any other Non-Governmental Organizations accredited, may provide training in senior citizen care to care givers.

(2) The training centres shall adopt training module in geriatric care on the basis of the unified curriculum in senior citizen care to be prescribed by the Government.

(3) The institutions providing home care services shall engage only trained caregivers to serve the senior citizens as per their needs. They shall ensure that such care givers obtained certification under this chapter in accordance with the timelines specified in section 14.

(4) The admission fee, remuneration and the terms and conditions of service of the care givers, the quality of services to be rendered to the senior citizens by the care givers, duration of the training, format of the training certificate, fee for the training and other matters connected therewith shall be as per the guidelines issued by the Government.

(5) The senior citizen care service providers and home care service agencies shall insist the care givers to furnish their training certificate, medical verification and police verification certificates at the time of their registration in the agencies. Only trained care givers shall be engaged for geriatric services.

16. *Keralam Geriatric Care Certification Framework.*—(1) The Government, in consultation with such agency as it may notify, shall establish a Keralam Geriatric Care Certification Framework providing progressive certification pathways for care givers.

(2) The framework shall specify at a minimum, a training curriculum and its periodicity, identity and background verification requirements - including mandatory police clearance for care givers deployed in residential senior citizen

care centres or providing live-in care to a senior citizen living alone — and periodic refresher training at intervals not exceeding three years.

17. *State Register of Care Givers.*—(1) Every care giver certified under the Keralam Geriatric Care Certification Framework shall be registered with the State Senior Citizen Protection Unit and enrolled in a State register of care givers, in the manner prescribed.

(2) The State register of care givers shall be a public register and shall be periodically updated, including in respect of care givers who have been suspended, prohibited, or de-registered, and shall be made accessible to the public in a searchable form:

Provided that, only the name, registration number, category of certification, period of validity and the current status of registration of a care giver shall be accessible to the public, and no other data shall be disclosed.

(3) A care giver who, on the date of commencement of this Act, already holds a valid certificate of training issued by a training centre, or any other certification in geriatric care recognised by the Government, may apply to the State Senior Citizen Protection Unit for registration in the State register of care givers under sub-section (1), and the State Senior Citizen Protection Unit, on being satisfied as to the validity and adequacy of such certification, shall register such care giver accordingly without requiring fresh certification under the Keralam Geriatric Care Certification Framework:

Provided that, the State Senior Citizen Protection Unit may require such care giver to complete a bridge or refresher course, as may be prescribed, in lieu of full certification under the Framework.

18. *Rights of care givers and redressal of grievances.*—(1) Every care giver shall be entitled to,—

(a) fair remuneration not less than the minimum wage applicable to the relevant category of work under the law for the time being in force;

(b) safe, healthy and dignified working conditions;

(c) protection against abuse, harassment, exploitation, coercion and discrimination;

(d) access to social security protections under applicable law.

(2) The State Senior Citizen Protection Unit shall arrange mechanisms to receive, inquire into, and dispose of complaints on the conduct or performance of care givers from senior citizens, their family members, or representatives, following due process under law that provides an opportunity of being heard to the care giver and the complainant.

(3) A person aggrieved by the decision in this regard may file appeal to the Government within sixty days from the disposal of complaint.

19. *Care Assessment.*—(1) The State Senior Citizen Protection Unit shall prescribe a standardised methodology for a care assessment through guidelines an evaluation of a senior citizen's intrinsic capacity, including physical and cognitive capacity, psychological state, sensory function, including limitations in activities of daily living to be conducted by a qualified medical practitioner, for the purpose of determining the level and category of care to which a senior citizen is entitled under clause (ii) of section 4 of this Act.

(2) The State Senior Citizen Protection Unit shall identify and prescribe through guidelines, from time to time, the activities of daily living, including self-management tasks, that a care assessment shall evaluate for the purpose of this section.

CHAPTER VII

CYBER FRAUD, DIGITAL SAFETY AND INSURANCE PROTECTION

20. *Victim support and co-ordination.*—The State Government shall establish, within three months from the commencement of this Act, Senior Citizen Cyber Cell in all Cyber Police Stations and a senior citizen cyber co-ordination officer shall also be designated.

21. *Fast Track Mechanism.*—Notwithstanding anything contained in any other law for the time being in force, all reporting, financial freezing, police

documentation, regulatory claims pertaining to cyber fraud committed against a senior citizen shall be governed by the fast-track timelines prescribed.

22. *Insurance and Long-Term Care Coverage.*—The Government may take such measures as are within the State's competence to promote the availability to senior citizens in the State, of insurance products covering long-term care, including by liaising with the Insurance Regulatory and Development Authority of India and with insurance companies operating in the State, and shall include a review of such availability, premium affordability, and access to long-term care coverage in the annual administration report under section 25 of this Act.

CHAPTER VIII

STATE RESERVE FUND FOR THE WELFARE OF SENIOR CITIZENS

23. *State Reserve Fund for the welfare of senior citizens.*—(1) A State Reserve Fund for the welfare of senior citizens shall be established, by notification in the Official Gazette, for the protection, care, welfare and social security of the senior citizens.

(2) The following amounts shall be credited to the fund, namely:—

- (a) grant received from the Government as corpus fund;
- (b) amounts received from the Local Self Government Institutions;
- (c) amounts received from any Government or Non-Governmental Organizations or associations;
- (d) fee, fine received or collected under this Act;
- (e) C.S.R. Funds and donations, gift, grant, bequest and transfers or any other sums received from any other source;
- (f) any amount received from disposing the movable or immovable property including cash balance in bank account and jewellery of a resident in any senior citizen care centre, who has no legal heirs and who has executed a registered will bequeathing properties to the State Reserve Fund;
- (g) any other amount received from other sources as may be prescribed.

(3) Amount to be credited to the fund as referred to in sub-section (2) shall be deposited in an account to be opened with any Nationalized Bank in the name of the Director, Department of Senior Citizens being the Registrar.

(4) Amounts credited to the fund as referred to in sub-section (2) shall be spent only for the general purposes of the care, welfare, protection and social security of senior citizens.

(5) The manner and administration of the Fund shall be as prescribed in the rules.

24. *Accounts and Audit.*—(1) The Registrar shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in the format as may be prescribed.

(2) The Registrar shall, within three months after the closing of each financial year, make arrangements to get the accounts of the previous financial year properly audited in the manner as may be prescribed.

25. *Annual Report and Administrative Report.*—(1) The Registrar shall, within three months after the closing of each financial year, submit to the Government an audited statement of accounts together with an Annual Administration Report of the activities and programmes undertaken during the previous financial year and a statement regarding the functioning and administration of the District Level Senior Citizen Protection Units and District Level Senior Citizen Protection Forums in the form and manner as may be prescribed in the rules.

(2) As soon as the report is received, the report shall be laid before the Legislative Assembly by the Government within six months from the date of receiving it.

CHAPTER IX

GENERAL POWERS AND DUTIES OF GOVERNMENT

26. *General powers and functions of the Government in relation to senior citizen care, welfare and protection.*—(1) The State Government shall, subject to the provisions of this Act, issue necessary directions to the Local Self Government

Institutions and other Governmental agencies to provide community based senior citizen care facilities and create more accessible and senior citizen friendly environment, transportation, information, communication and other public facilities, including separate queue for senior citizens in public offices as may be prescribed in the guidelines.

(2) The Government shall issue suitable directives to the Local Self Government Institutions to ensure that every land development plan or sketch for construction of building or building unit or apartment or colony or shopping complex or any other civil structures drawn after the commencement of this Act are designed senior citizen friendly and also that every residential building newly constructed after the commencement of this Act should have at least one room with senior citizen friendly facilities along with senior citizen friendly accessibilities and that building permits are issued accordingly.

(3) The Government shall issue directions to the Police Department to designate in each police station an officer not below the rank of Assistant Sub Inspector of Police as Nodal Officer for exclusively dealing with issues relating to senior citizens within the local limits of each police station.

(4) If a resident of any senior citizen care centre dies intestate and without legal heirs, all his property shall be escheat and shall be vested with the Government as per the provisions of the Kerala Escheats and Forfeitures Act, 1964 (Act 4 of 1964).

(5) Where a senior citizen residing in a care centre, respite home, hospice centre or any other institution of a similar nature is assessed as lacking the capacity to consent to care placement, treatment or financial decisions including by reasons of dementia, alzheimer's disease or any other disease causing significant cognitive impairment, the Mental Healthcare Act, 2017 (Central Act 10 of 2017) shall apply to such persons for the purpose of decisions related to care and treatment.

(6) The Government shall provide for the special healthcare facilities to senior citizens through the state health delivery system at primary level, secondary level and at tertiary level including outreach facilities such as geriatric OPD, biweekly geriatric clinic at community health centre, weekly geriatric clinic at

Public Health Centre and regional geriatric centres at easily accessible centres. The Government may provide for mobile Medicare units to provide medical care and support to senior citizens in isolated, rural and backward areas particularly in tribal settlements.

(7) The Government shall provide for the establishment and maintenance of respite care homes and care homes for senior citizens who are seriously ill and who require continuous nursing, respite care and hospice support. The Government shall take initiative to start and operate care centres exclusively for the care and welfare of senior citizens affected with alzheimer's disease, dementia, parkinson's disease and other neurodegenerative or cognitive disorders.

(8) The Government shall constitute a Governing Council, as prescribed, to take all measures for ensuring the effective co-ordination among the Government departments in providing health care, palliative care, non-medical care and other allied services for the protection, care, welfare and security of senior citizens in the State.

(9) The Government shall specify guidelines fixing the norms of physical facilities and operational standards for the establishment and operation of various types of care centres in the State.

(10) The Government shall take steps to secure freedom of the senior citizen from discrimination in all aspects of life, right to work and to have reasonable remuneration to attain resources to meet the basic needs.

27. Procedure for giving voluntary donations.—When a resident of a senior citizen care centre voluntarily decides to donate his property, bank funds, or any other income to the centre, the State Reserve Fund, or another party, the centre's authority shall inform that matter to the District Level Senior Citizen Protection Unit. The District Level Senior Citizen Protection Unit shall then conduct an inquiry and make arrangement for executing an agreement in the presence of the District Magistrate, as prescribed in the rules, to fulfil the intention of such inmate. Once the agreement is executed, the District Level Senior Citizen Protection Unit keeps the original agreement in safe custody and immediately distribute its official copies to the Registrar, the senior citizen care centre, the local body, family members and relatives:

Provided that nothing in this section authorises property transfer under the ordinary succession, banking or testamentary laws in force.

28. *Arrangements regarding Living Will.*—If any senior citizen at home or in any senior citizen care centre voluntarily wishes to execute a Living Will, the authority in charge of the senior citizen care centre or the relative or family member or the legal heir of that resident, if any, as the case may be, shall make arrangement to execute a declaration, in the presence of the Chairperson of the District Level Senior Citizen Protection Forum or the District Level Senior Citizen Protection Unit concerned, in the format and manner as prescribed, expressing the wishes of that senior citizen, fixing his preferred priorities towards the end of his life. The original of the Living Will shall be kept in safe custody of the senior citizen care centre or the relative or family member or legal heir, as the case may be, and a copy thereof shall be sent to the District Level Senior Citizen Protection Forum, the District Level Senior Citizen Protection Unit and the local body concerned.

29. *Cremation or burial of residents of care centres.*—(1) If any indigent senior citizen, who has not executed an agreement or will to donate his body after death, for anatomical research and studies in the State as provided in the guidelines issued by the Government from time to time, dies in any senior citizen care centre, the authority in charge of such centre shall, after intimating in writing to his family members or relatives, if any, and the Station House Officer and the District Level Senior Citizen Protection Unit concerned, make arrangement for the cremation or burial of such deceased senior citizen.

(2) If an incapacitated senior citizen, with legal heirs or family members or relatives, or any other senior citizen who has been sheltered in a senior citizen care centre, paid or unpaid, dies, the authority in charge of such centre shall inform the matter to the District Level Senior Citizen Protection Unit concerned and intimate the same to the family member, relative or legal heir, as the case may be, of such deceased senior citizen.

(3) If the family member, relative or legal heir of the deceased resident is not forthcoming to receive the body of the deceased person within a reasonable time or refuses to accept the body, the authority in charge of the senior citizen care

centre shall, after giving intimation in writing to the Station House Officer concerned, make arrangement for the cremation or burial of such deceased resident and shall inform the matter to the District Level Senior Citizen Protection Unit forthwith:

Provided that the District Level Senior Citizen Protection Unit concerned shall take immediate steps to comply with or implement the conditions stipulated in the agreement or will, if any, duly executed by any resident in the senior citizen care centre, as and when the death of the inmate is reported.

(4) The authority in charge of such senior citizen care centre shall maintain a separate register for the above purposes and enter the details of such deceased resident therein and shall also take steps to register the death of such senior citizen before the Registrar of Births and Deaths concerned as per the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969).

CHAPTER X

OFFENCES AND PENALTIES

30. *Punishment for contravention of provisions of this Act, rules and guidelines issued thereunder.*—(1)Whoever establishes or operates a senior citizen care centre required to be registered under section 12 without obtaining such registration, or continues to operate such centre after its certificate of registration has lapsed or has been revoked, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to twenty-five thousand rupees, or with both.

(2) Whoever intentionally or knowingly obstructs the implementation of any of the provisions of this Act or aids or abets or incites such obstruction shall be deemed to have committed an offence against the senior citizen community and shall be punished with imprisonment of either description which may extend to two years and shall also be liable to fine which may extend to twenty-five thousand rupees.

(3) If a person who is in charge of a senior citizen care centre, does any act of illegally possessing the property of any resident therein, shall be punished with

imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

(4) Whoever, being the family member, relative or legal heir of a senior citizen, or an authority in charge of a senior citizen care centre, or any staff of a senior citizen care centre, or a care giver, subjects such senior citizen to physical or mental abuse or cruelty shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

Explanation.—For the purpose of this sub-section, “cruelty” means any wilful conduct which is of such a nature as is likely to compel a senior citizen to leave the house where he is residing or to cause grave injury or danger to his life or limb, or any act which is likely to affect the mental or physical health of a senior citizen or harassment of a senior citizen with a view to coerce him to meet any unlawful demand for any movable or immovable property or valuable security of that senior citizen.

(5) Whoever, being a family member, relative or legal heir responsible for the care, protection or welfare of a senior citizen, leaves such senior citizen in any senior citizen care centre or in any other place without the consent of such senior citizen, with the intention to avoid him or abandon him, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

(6) Any registered medical practitioner, or any authority in charge of a senior citizen care centre, who without reasonable cause fails to make a report required under clause (vii) of section 4, shall be punishable with fine which may extend to ten thousand rupees.

(7) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), all offences under this Act shall be cognizable and bailable.

(8) All offences under this Act shall be triable by a Court of the Judicial Magistrate of the First Class.

(9) Where an offence under this Act has been committed by an organization, every person who, at the time the offence was committed was in charge of and was responsible to the organization for the conduct of its affairs, as well as the organization, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(10) Notwithstanding anything contained in sub-section (9), where an offence under this Act has been committed by an organization, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, trustee, manager, secretary or other officer of the organization, such director, trustee, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of sub-sections (9) and (10),—

1. “organization” includes a company or other body corporate, a firm, a society, a trust, an agency, a social enterprise and any other association of individuals, whether registered or not;
2. “director”, in relation to a firm, means a partner in the firm, and in relation to a society or trust, means a member of its governing body or a trustee.

CHAPTER XI

MISCELLANEOUS

31. *Protection of action taken in good faith.*—No suit, or prosecution or other legal proceedings shall lie against the Registrar or the State Senior Citizen Protection Unit or the District Level Senior Citizen Protection Unit or the District Level Senior Citizens Protection Forum or any member or any officer or any other employee of the State Senior Citizen Protection Unit or the District Level Senior Citizen Protection Unit or the District Level Senior Citizen Protection Forum for or

in respect of anything which is done or intended to be done or purported to be done in good faith under this Act or the rules or the guidelines made under this Act.

32. *Chairperson, members, convenor, officers and employees are to be public servants.*—The Chairperson, convenor, members officers and employees of the State Senior Citizen Protection Unit, the District Level Senior Citizen Protection Unit and the District Level Senior Citizens Protection Forum while acting or deemed to be acting under the provisions of this Act shall be deemed to be public servants within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023).

33. *Application of other laws not barred.*—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

34. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

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

(2) Every order made under sub-section (1) shall, as soon as may be, after it is made be laid before the Legislative Assembly.

35. *Power to make rules.*—(1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Government shall have power to make rules with reference to the following matters, namely:—

(a) the powers and functions of the State Senior Citizen Protection Unit under sub-section (4) of section 5 of this Act;

(b) the format of annual statement of accounts and annual reports of the District Level Senior Citizens Protection Unit to be submitted to the Registrar under sub-section (11) of section 9 of this Act;

(c) the procedure for registration and renewal of registration and the documents required for registration of each category of senior citizen care centres including caregivers' training centres and home care service agencies under sub-section (2) of section 12 of this Act;

(d) the format of certificate of registration under sub-section (6) of section 12 of this Act;

(e) the penalty to be imposed under sub-section (17) of section 12 of this Act on a senior citizen care centre functioning without registration.

(f) the manner and administration of the State Reserve Fund for the welfare of the senior citizens under sub-section (5) of section 23 of this Act;

(g) the manner and format of auditing of accounts and auditing of the State Reserve Fund and preparation of annual statement of accounts under section 24 of this Act;

(h) the format of Annual Report, Annual Administration Report and the statement regarding the functioning and administration of the District Level Senior Citizen Protection Unit and the District Level Senior Citizen Protection Forum to be submitted by the Registrar to the Government under section 25 of this Act;

(i) the format of agreement to be executed for donation of the properties of senior citizens, who are residents, to the senior citizen care centres or to the State Reserve Fund or anybody else under section 27 of this Act;

(j) the composition, powers and functions of the Governing Council under sub-section (8) of section 27 of this Act;

(k) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that

any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. *Power to make guidelines.*—The Director, Department of Senior Citizens, with the approval of the Government, shall issue guidelines for the following:—

(i) procedure to be adhered to when a senior citizen executes a Living Will, or will for donation of body after death or for donation of his movable or immovable properties to the senior citizen care centre or to the State Reserve Fund or anybody else under clause (v) of section 3;

(ii) fees and other allowances of the members other than the ex-officio members of the District Level Senior Citizen Protection Forum, the District Level Senior Citizen Protection Unit and the State Senior Citizen Protection Unit under Chapter III of this Act;

(iii) qualification, experience and other terms and conditions of service of social workers, technical assistant, law officer and other staff of the District Level Senior Citizen Protection Unit and the State Senior Citizen Protection Unit under Chapter III of this Act;

(iv) the procedure for closure of the senior citizen care centres and rehabilitation of the residents under sub-section (6) of section 7 and sub-section (10) of section 12;

(v) procedure for enquiries, inspection and reports of District Level Senior Citizen Protection Units under section 9 and sub-section (4) of section 12;

(vi) categories of institutions, physical facilities and operational standards and the minimum standard guidelines on services to be provided by each category of senior citizen care centre under sub-section (5) of section 10 of this Act;

(vii) the format and procedure for maintaining registers under sub-section (2) of section (12);

(viii) collection of fees, including the renewal fee and the late fee under section 12;

(ix) the procedures for continuing obligations of home care service agencies operating as, or through, digital platforms under section 13 of the Act;

(x) establishment, registration and functioning of care givers' training centres and their minimum standards under Chapter VI of this Act;

(xi) terms and conditions of service to be included in the contract between the care givers and their service providers under Chapter VI of this Act;

(xii) the admission fee, remuneration and the terms and conditions of service of the care givers, the quality of services to be rendered to the senior citizens by the care givers, duration of the training, format of the training certificate, fee for the training and other matters connected therewith under sub-section (4) of section 15;

(xiii) standardised methodology for Care Assessment under section 19;

(xiv) fast-track timelines to address cyber fraud committed against a senior citizen under section 21;

(xv) minimum standards of elder friendly facilities in public building and places including the issue of permit for civil constructions to be issued from Local Self Government Institutions under section 26;

(xvi) cremation or burial of deceased residents in a senior citizen care centre with or without family members or relatives or legal heirs under section 30.

STATEMENT OF OBJECTS AND REASONS

Humanity now enjoys unprecedented longevity with doubling the global life expectancy. The Indian concept of joint family system was a strong pillar in ensuring the security and well being of the senior citizens. But modernization and globalization paved way for nuclear families which adversely affected the normal living conditions of the senior citizen population at large. The senior citizen population has been increasing over years. At present they are classified as young old (60-69 years), old-old (70-79 years) oldest of old (80-89 years) and extreme old (above 90 years). Their rights are being encroached upon each day and now they have become the most vulnerable category of our society.

Even the governmental policies and norms are not sufficient enough to ensure the care and welfare and social security of the senior citizens. So there is an

obligation upon the State to provide care and welfare and social security and support to the senior citizens so that they can earn and lead a dignified and independent life. The ageing process in Keralam is witnessing an increase in the ratio of senior citizen population along with fundamental changes in families and communities.

Due to the advancement of medical science and health awareness among senior citizens, the life span of elder people in Keralam has increased vehemently. Concern of senior citizens have also changed with the change in their financial position and longer life span. Therefore dedicated home health care facilities particularly in rural and semi urban areas is the need of time. Hence in order to accommodate the needs of ageing population, various systems need to be reconstructed and restructured for which long term attentiveness and forward planning is required. World Health Organization also demands policies and priority interventions for healthy ageing policies and plans.

Geriatric home health care in now a days is a challenging field, but it is a preferred and most often the only choice for many senior citizens who are living alone without any mental and family support. Home is the comfortable place which gives them a mental support and easy relief. Geriatric care programmes usually include services provided by care givers who help the senior citizens to live at home. A well planned home care service can help to improve health and overall well being of senior citizens especially the bedridden patients and those in the oldest of the old category. Unfortunately at present there are no specific and well planned guidelines in this field.

Home care services are becoming the most emerging services in each nook and corner of the State. Institutions providing care givers are not functioning on a specific scheme suitable for home based senior citizen care services. Likely there is no specific system to train the caregivers in senior citizen care especially with regard to the senior citizen who are bedridden or those who are at the brim of their end-to-life, and those affected with chronic diseases, mental and physical health problems, dementia etc.

The senior citizens are in need of palliative care, nursing care, personal care along with home care services which has also become one of the most expensive

services, but it is a preferred and most often the only choice in Keralam especially when the senior citizens are isolated at home or institution consequent on migration of their family member or relative or legal heir abroad for study purposes or for better job opportunities. The number of home care service agencies or service providers and home nursing agencies and training centres have shown an unwarranted hike in now a days. Still majority of care givers are not properly trained and possess any professional skill and expertise in senior citizen care in the absence of a specific rule or guidelines to govern such agencies. Urgent policy intervention is needed in this field so as to integrate and standardize home based health care services and allied matters and to create a legal frame work for the operation of their services in the State of Keralam. Government aimed to ensure that the older persons are neither marginalized nor left unprotected, advocating for their financial security, healthcare, shelter and protection of their rights and safeguarding them from any sort of exploitations and from abuses for which a comprehensive legal frame work has become the need of the day.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

If the Keralam Senior Citizens (Care and Protection of Rights) Bill, 2026 is enacted, an annual recurring expenditure of Rupees Twenty Lakhs from the State Consolidated Fund will be required to establish a State Reserve Fund for the welfare of senior citizen's and however, no significant non-recurring expenditure is currently anticipated for setting up the Senior Citizen Protection Unit, as the plan is to make maximum use of existing infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Item (iv) of clause 4 of the Bill empowers the Government to notify the accessibility standards for State digital portals designed for senior citizen use, including simplified interfaces, large-text and voice-assisted functionality, and high-contrast display modes.

2. Clause 5 of the Bill,—

(i) sub-clause (1) empowers the Government to constitute, by notification, the State Senior Citizen Protection Unit;

(ii) sub-clause (2) empowers the Government to prescribe qualification, experience and the terms and conditions of service of the staff of the State Senior Citizen Protection Unit;

(iii) sub-clause (3) empowers the Director of the Department of Senior Citizens to prescribe by guidelines for determining the term of office, fees and other allowances of members other than ex-officio members of the State Senior Citizens Protection Unit;

(iv) sub-clause (4) empowers the Government to determine the powers and functions of the State Senior Citizens Protection Unit.

3. Clause 6 of the Bill empowers the Government,—

(i) in sub-clause (1) to constitute, by notification, a District Level Senior Citizen Protection Forum in each district;

(ii) in sub-clause (2) to prescribe the tenure of the members other than ex-officio members and their fees and other allowances.

4. Sub-clause (6) of clause 7 of the Bill seeks to empower the Director of the Department of Senior Citizens to issue guidelines for closing senior citizen care centres which continue to function without complying with the directions of the District Level Senior Citizen Protection Unit and for rehabilitating the inmates of such centres, and for submitting a report of the action taken to the Registrar.

5. Clause 8 of the Bill empowers the Government,—

(i) in sub-clause (1) to constitute, by notification, a District Level Senior Citizen Protection Unit in each district to assist the District Level Senior Citizen Protection Forum and the Registrar;

(ii) in sub-clause (2) to prescribe the qualification, experience and the terms and conditions of service of the staff in the District Level Senior Citizen Protection Unit;

(iii) in sub-clause (3) to prescribe the tenure of the members other than ex-officio members and their fee and other allowances.

6. Clause 9 of the Bill,—

(i) in sub-clause (3) empowers the Director of the Department of Senior Citizens to issue guidelines to specify the time limit for rectifying defects in an application for registration of a senior citizen care centre and for resubmitting the application;

(ii) in sub-clause (4) empowers the Director of the Department of Senior Citizens to issue guidelines to specify the time limit to enquire and ascertain whether any unregistered or unauthorized senior citizen care centre is functioning in the District and, if found so, conduct a detailed inspection and submit inspection report before the Registrar;

(iii) in sub-clause (9) empowers the Director of the Department of Senior Citizens to issue guidelines specifying the infrastructure and other facilities of senior citizen care centres and care givers' training centres;

(iv) in sub-clause (11) empowers the Government to prescribe the format for maintaining the updated data base, with provision of data security, of the elder care centres in the district.

7. Clause 10 of the Bill empowers the Government, —

(i) sub-clause (2) to prescribe the minimum standards, facilities and mechanisms for the senior citizen care centres;

(ii) sub-clause (5) to issue guidelines for the management of the categories of senior citizen care centres referred under the said sub-clause;

8. Sub-clause (2) of clause 11 of the Bill empowers the Government to issue guidelines for specifying the manner for maintaining separate register for the registration of each type of care centres.

9. Clause 12 of the Bill, empowers the Government, —

(i) in sub-clause (2) to prescribe how the person in charge of a senior citizen care centre shall apply for registration and to prescribe the form and fee for such application;

(ii) in sub-clause (3) to prescribe the fee payable for registration by senior citizen care centres and similar other institutions which were registered under any

other law in force immediately before the commencement of this Act and are functioning within the State;

(iii) in sub-clause (4) to prescribe the form in which the report of the District Level Senior Citizens Protection Unit, on an application for registration is to be submitted to the Registrar and the time limit for rectifying defects in the application for registration;

(iv) in sub-clause (6) to prescribe the form of the registration certificate;

(v) in sub-clause (7) to prescribe the manner for renewal of the registration certificate;

(vi) in sub-clause (10) to prescribe the procedure for the closure of such centres, where no appeal is filed against the order of rejection or an appeal preferred is rejected and to rehabilitate the inmates;

(vii) in sub-clause (11) to prescribe the form and fee for an application for renewal of the registration certificate;

(viii) in sub-clause (14) to prescribe the late fee for an application for renewal of registration submitted after expiry of the registration certificate;

(ix) in sub-clause (17) to prescribe the penalty to be imposed by the Registrar on a senior citizen care centre which continues to function without registration under this Act even after six months from the commencement of this Act, on the basis of the report furnished to the Registrar by the District Senior Citizens Protection Unit;

10. Clause 13 of the Bill empowers the Director of the Department of Senior Citizens to issue guidelines for specifying continuing obligations of home care service agencies operating as or through digital platforms.

11. Sub-clause (4) of clause 15 of the Bill empowers the Government to issue guidelines prescribing the admission fee, remuneration, terms and conditions of service of care givers, the quality of services to be provided by care givers to senior citizens, the duration of training, the format of the training certificate, training fees and other matters connected therewith;

12. Sub-clause (1) of clause 16 of the Bill empowers the Government to notify such agencies as may be consulted by the Government in connection with establishing the Keralam Geriatric Care Certification Framework.

13. Clause 17 of the Bill empowers the Government,—

(i) in sub-clause (1) to prescribe the manner in which every care giver certified under the Keralam Geriatric Care Certification Framework shall be registered with the State Senior Citizens Protection Unit;

(ii) in the proviso to sub-clause (3) to prescribe a bridge course or refresher course, to be completed, in lieu of full certification under the Framework.

14. Clause 19 of the Bill empowers the Director of the Department of Senior Citizens,—

(i) in sub-clause (1) to issue guidelines for determining the level and category of care to which a senior citizen is entitled under item (ii) of clause 4 of the Act and for specifying a uniform methodology for assessing the intrinsic capacity of a senior citizen;

(ii) sub-clause (2) to issue guidelines identifying and determining the activities of daily living, including self-management tasks, that a care assessment shall evaluate for the purpose of this section.

15. Clause 21 of the Bill empowers the Director of the Department of Senior Citizens to issue guidelines prescribing fast-track timelines for dealing with cyber fraud committed against a senior citizen.

16. Clause 23 of the Bill empowers the Government,—

(i) in sub-clause (1) authorises to constitute, by notification, a State Reserve Fund for the welfare of senior citizens;

(ii) in item (g) of sub-clause (2) to prescribe the other sources from which amounts shall be credited to the State Reserve Fund;

(iii) sub-clause (5) to prescribe the manner of utilisation and administration of the State Reserve Fund.

17. Clause 24 of the Bill empowers the Government to prescribe the form of the annual financial statement and the manner in which the accounts are to be audited.

18. Clause 25 of the Bill empowers the Government to prescribe the form and manner in which the annual report and annual administrative report are to be submitted.

19. Clause 26 of the Bill empowers the Government,—

(i) in sub-clause (1) to issue guidelines for providing community based senior citizen care facilities and for giving necessary directions to local self government institutions and other Government agencies to create more accessible and senior citizen friendly environment, transportation, information, communication and other public facilities, including special queue for senior citizens in public offices;

(ii) in sub-clause (8) to constitute a Governing Council to ensure effective co-ordination among Government departments for the protection, care, welfare and safety of senior citizens in the State;

(iii) in sub-clause (9) to issue guidelines specifying the norms for physical facilities and operational standards for establishing and operating various types of care centres in the State.

20. Clause 27 of the Bill empowers the Government to prescribe the procedure for providing voluntary donation.

21. Clause 28 of the Bill empowers the Government to prescribe the manner and format relating to the preparation of a Living Will.

22. Sub-clause (1) of clause 34 of the Bill empowers the Government to issue an order for removing any difficulty that may arise in giving effect to the provisions of the Bill.

23. Clause 35 of the Bill empowers the Government is to make rules, by notification to carry out provisions of the Act.

24. Clause 36 of the Bill empowers the Director of the Department of Senior Citizens to make guidelines for carrying out the provisions of the Bill.

25. The matters in respect of which rules or regulations or guidelines are to be made or notifications or orders are to be issued are matters of procedure and are of routine or administrative in nature. Further, such rules after they are made are subject to the scrutiny of the Legislative Assembly. Thus, the delegation of legislative power is of a normal character.

V. D. SATHEESAN

NOTES ON CLAUSES

Clause 2.—This clause seeks to provide for the short title and commencement of the proposed Act.

Clause 3.—This clause intends to provide for the general principles by which the provisions of the Bill are to be guided while being implemented.

Clause 4.—This clause intends to provide for the rights of senior citizens.

Clause 5.—This clause intends to provide for the constitution of the State Senior Citizen Protection Unit.

Clause 6.—This clause intends to provide for the constitution of the District Level Senior Citizens Protection Forum.

Clause 7.—This clause intends to provide for the duties, functions and powers of the District Level Senior Citizen Protection Forum.

Clause 8.— This clause intends to provide for the constitution of the District Level Senior Citizen Protection Unit.

Clause 9.—This clause intends to provide for the duties, functions and powers of the District Level Senior Citizens Protection Unit.

Clause 10.—This clause intends to provide for the establishment and operation of senior citizen care centres.

Clause 11.—This clause intends to provide for the designation of the Registrar.

Clause 12.—This clause intends to provide for the registration of senior citizen care centres.

Clause 13.—This clause intends to provide for the continuing obligations of home care service agencies operating as or through digital platforms.

Clause 14.—This clause intends to provide for phased certification compliance.

Clause 15.—This clause intends to provide for training of caregivers in senior citizen care.

Clause 16.—This clause intends to provide for establishing the Kerala Geriatric Care Certification Framework.

Clause 17.—This clause intends to provide for maintaining a State Register of care givers.

Clause 18.—This clause intends to provide for the rights of care givers and grievance redressal.

Clause 19.—This clause intends to provide for care assessment.

Clause 20.—This clause intends to provide for support and co-ordination for senior citizens who are victims of cyber fraud.

Clause 21.—This clause intends to provide for fast-track mechanism relating to cyber fraud.

Clause 22.—This clause intends to provide for insurance and long-term care coverage for senior citizens.

Clause 23.—This clause intends to provide for the State Reserve Fund for the welfare of senior citizens.

Clause 24.—This clause intends to provide for preparation of accounts and audit.

Clause 25.—This clause intends to provide for preparation of the annual report and administrative report.

Clause 26.—This clause intends to provide for the general powers and functions of the Government relating to senior citizen care, welfare and protection.

Clause 27.—This clause intends to provide for the procedure for senior citizens to make voluntary donations.

Clause 28.—This clause intends to provide for arrangements relating to the preparation of a living will.

Clause 29.—This clause intends to provide for making arrangements for cremation or burial of inmates of care centres.

Clause 30.—This clause intends to provide for punishment for contravention of the provisions of this Act and the rules and guidelines made under it.

Clause 31.—This clause intends to provide for protection for action taken in good faith.

Clause 32.—This clause intends to provide that the Chairperson, members, Convenor, officers and employees shall be public servants.

Clause 33.—This clause intends to provide that the application of other laws is not barred.

Clause 34.—This clause intends to provide for the power to remove difficulties.

Clause 35.— This clause intends to provide for the power to make rules.

Clause 36.—This clause intends to provide for the power to make guidelines.
