

## **Senior Citizens Rules, 2065 (2008)**

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The Government of Nepal, having exercised the power conferred by sub-section (1) of Section 32 of the Senior Citizens Rules, 2063 (2006) has enacted the following Rules.

1. **Short Title and Commencement:** (1) These Rules may be called "Senior Citizens Rules, 2065 (2008)".

(2) These Rules shall come into force immediately.

2. **Definition:** Unless the subject or context means otherwise, in these Rules,-

(a) "Act" means the Senior Citizens Act, 2063 (2006).

(b) "Ministry" means the Ministry of Women, Children and Social Welfare.

3. **Functions, Duty and Rights of the Central Senior Citizens Welfare Committee:** The functions, duty and rights of the Central Senior Citizens Welfare Committee, in addition to the functions, duty and rights written in the Act and elsewhere in these Rules, shall be as follows:-

(a) To recommend to the Ministry by formulating necessary policy and program so as to mobilize the necessary economic resource for the plan and program of protection and social security of senior citizens,

(b) To guideline the District Senior Citizens Welfare Committee.

(c) To review and evaluate the progress of annual programs of the District Senior Citizens Welfare Committee.

- (d) To encourage and cooperate a person or organization for establishing the Care Centre, Daytime Service Centre, Senior Citizens Club in the different districts by obtaining recommendation also of the District Senior Citizens Welfare Committee as per necessity,
- (e) To operate and cause to be operated necessary function for the purpose of utilization of the knowledge, skill, capacity and experience of the senior citizens by obtaining cooperation also of the national and international organizations subject to the prevailing law.
- (f) To carry on other necessary function in regard to promotion of reverence, respect, and good will towards the senior citizens.

**4. Procedure relating to Meeting of the Central Senior Citizens**

**Welfare Committee:** (1) The Meeting of the Central Senior Citizens Welfare Committee shall be held in the time and place as prescribed by the Chairperson of Central Senior Citizens Welfare Committee as per necessary.

(2) Presence of more than fifty percent members of total number of members of the Central Senior Citizens Welfare Committee shall be deemed as the sufficiency of quorum for the meeting of the Central Senior Citizens Welfare Committee.

(3) The Chairperson of the Central Senior Citizens Welfare Committee shall chair the meeting of the Central Senior Citizens Welfare Committee; and in case of his absence, the member selected by the present members among themselves shall chair the meeting.

(4) The Opinion of majority shall be valid in the meeting of the Central Senior Citizens Welfare Committee and in case of a tie, the person chairing the meeting shall give his decisive vote.

(5) Other procedure relating to the meeting of the Central Senior Citizens Welfare Committee shall be as prescribed by the Committee itself.

**5. Functions, Duty and Rights of the District Senior Citizens**

**Welfare Committee:** In addition to the functions, duty and rights mentioned in the Act, the functions, duty and rights of the District Senior Citizens Welfare Committee shall be as follows:-

- (a) To make search of the necessary local resource to operate the annual program and to mobilize the availed resource,
- (b) To collect suggestions regarding the policy, plan and program to be adopted for protection social security of the senior citizens by organizing the conference of the senior citizens participated by the social workers also in the district level.
- (c) To maintain an up to date record of the Care Centre, Daytime Service Centre, Senior Citizens Club and other associations and organizations working in regard to protection and social security of the senior citizens being operated within the district and forward a copy of the same to the Central Senior Citizens Welfare Committee,
- (d) To make publicity in regard to protection and social security of the senior citizens in the different parts of the district by making people's participation or participation of governmental or non-governmental organizations and associations, to cooperate the social workers and governmental and nongovernmental associations and organizations involved in such function,
- (e) To formulate the plan and program relating to senior citizens by constituting Planning Committee in the Municipality and Village Development Committee level and to implement and cause to be implemented them,

- (f) To reward the person and organization doing excellent performance in the sector of senior citizens,
- (g) To operate and cause to be operated the necessary functions for the purpose of utilization of knowledge, skill, capacity and experience of the senior citizens by obtaining cooperation of the national and international organizations also subject to the prevailing law.

**6. Procedure regarding the Meeting of the District Senior**

**Citizens Welfare Committee:** (1) The Meeting of the District Senior Citizens Welfare Committee shall be held in the time and place as prescribed by the Chairperson of District Senior Citizens Welfare Committee as per necessary.

(2) Presence of more than fifty percent members of total number of members of the District Senior Citizens Welfare Committee shall be deemed as the sufficiency of quorum for the meeting of the District Senior Citizens Welfare Committee.

(3) The Chairperson of the District Senior Citizens Welfare Committee shall chair the meeting of the District Senior Citizens Welfare Committee; and in case of his absence, the member selected by the present members among themselves shall chair the meeting.

(4) The Opinion of majority shall be valid in the meeting of the District Senior Citizens Welfare Committee and in case of a tie, the person chairing the meeting shall give his decisive vote.

(5) Other procedure relating to the meeting of the District Senior Citizens Welfare Committee shall be as prescribed by the Committee itself.

**7. Arrangement for Keeping in the Care Centre:** The court, while issuing an order to keep on infirm senior citizen and a senior citizen having completed the age of seventy five years having sentenced to

imprisonment to be kept in a care centre under sub-section (3) of Section 12 of the Act, shall consider the following matters:-

- a. Offence and intention, cause and situation of committing the offence,
- b. His past character,
- c. His age and physical condition,
- d. His confession in regard to the offence and his apologize for the offence,
- e. Other contextual matters.

**8. Records to be Maintained:** (1) The District Senior Citizens Welfare Committee shall collect the statement of the senior citizens within the district and maintain records in the format of Schedule 1 by reflecting his personal details, family condition, academic qualification, professional skill and experience also.

(2) The records maintained under sub-rule (1) shall have to be updated every year.

**9. Operation of the Fund:** The Senior Citizens Welfare Fund shall be operated with the joint signatures of the Secretary of the Central Senior Citizen Welfare Committee and an officer level staff prescribed by the Central Senior Citizens Welfare Committee.

**10. Submission of Application for Approval:** (1) A person or organization or association established under the prevailing law intending to establish Care Centre or Daytime Service Centre in any place of Nepal under Section 20 of the Act shall submit application by mentioning the following details to the concerned Chief District Officer:-

- (a) Name, surname and address of the applicant,

- (b) Duplicate copy of registration certificate under the prevailing law in case of the applicant being an organization or association under the prevailing law,
- (c) Place of location of the Care Centre or Daytime Service Centre and the details of such Centre including capacity and infrastructure,
- (d) Details of human resource necessary for the Care Centre or Daytime Service Centre,
- (e) Details of economic resource.

(2) The director of the Care Centre or Daytime Service Centre being operated from the private or governmental sector in the time of coming into force of the Act shall submit an application to the concerned Chief District Officer for approval by mentioning the following details within three months of coming into force of these Rules:

- (a) Name, surname and address of the applicant,
- (b) Place of location of the Care Centre or Daytime Service Centre,
- (c) Details of the senior citizens remained in the Care Centre or Daytime Service Centre,
- (d) Details of infrastructure including capacity of the Care Centre or Daytime Service Centre,
- (e) Details of human resource of the Care Centre or Daytime Service Centre,,
- (f) Details of financial resource necessary for the operation of the Care Centre or Daytime Service Centre.

(3) The Chief District Officer, in case of being found the satisfactory condition of infrastructure and facilities under rule 12 while making inquiry upon the application received under rule (1) and (2), shall grant permission to operate Care Centre or Daytime Service Centre.

**11. Inspection:** (1) The Ministry can inspect or get inspected all the Care Centre or Daytime Service Centre established within Nepal and the District Senior Citizens Welfare Committees within its jurisdiction anytime.

(2) The Chief District Officer or an officer prescribed by him shall inspect the Care Centre or Daytime Service Centre under his jurisdiction at least four times within a year and send the report thereof to the Senior Citizens Welfare Committee and Ministry. While inspecting in this way, in addition to the other matters, in case of being found of being carried on any function and action in contrary to the Act, these Rules or the prevailing law, such matter also should be mentioned in the report of inspection.

(3) The officer inspecting under these Rules, in case of finding the failure of making arrangement of infrastructure and facilities prescribed in these Rules or any irregularity, can give necessary direction by prescribing time limit to make arrangement of infrastructure and facility, reform and remove the irregularities.

(4) The Director of the concerned Care Centre or Daytime Service Centre shall have his duty to abide by the directions given under sub-rule (3).

**12. To be Make Arrangement of the Minimum Infrastructure and Facilities:** (1) Arrangement of minimum infrastructure and facility as mentioned in Schedule 2 should have been made in the Care Centre or

Daytime Service Centre, to be established and operated under the Act and these Rules.

(2) The Care Centre or Daytime Service Centre, being operated under the prevailing law in the time of coming into force of the Act shall make arrangement of minimum infrastructures and facilities as per Schedule 2 within two years of obtaining approval under rule 10.

(3) The Care Centre or Daytime Service Centers shall keep by preparing the statement of the senior citizens remaining with them in the format of Schedule 1.

**13. Arrangement Relating to Unclaimed Senior Citizens:**

Arrangement shall be made to keep the senior citizens found in an unclaimed situation under Section 21 of the Act in the nearest Care Centre operated by the Government of Nepal if any and if not so in a private or nongovernmental Care Centre.

**14. Classification of the Senior Citizens:** (1) The senior citizens, helpless senior citizens and infirm senior citizens shall be classified on the following bases for the purpose of Section 24 of the Act:

- a. Senior Citizen below seventy years of age.
- b. Senior citizen above seventy years of age.
- c. Helpless senior citizen,
- d. Infirm senior citizen,
- e. Single senior citizen,

Explanation: For the purpose of this clause, "Single senior citizen" means widow, widower or unmarried single senior citizen.

(2) The senior citizen classified under sub-rule (1) may obtain the allowance or facility prescribed by the Government of Nepal from time to time.



(3) The Central Senior Citizens Welfare Committee shall classify each of the senior citizens under sub-rule (1) and a notice thereof shall publicize.

**15. Identity Card of Senior Citizens:** (1) The senior citizens shall be made available their Identity Card in the format as per Schedule 3 through the agency specified by the Ministry.

(2) The Identity Card to be made available under subrule (1) may be different on the basis of the classification under rule 14.

**16. Arrangement relating to Club:** (1) Anyone may establish a Senior Citizens Club under the prevailing law to be remained at least five senior citizens as members.

(2) The Senior Citizens Club to be established under sub-rule (1) shall have been made arrangement of at least the following minimum infrastructure and facilities in addition to the other facilities.

- (a) Gymnasium, swimming pool, playing ground or any type of recreation spot,
- (b) Toilet,
- (c) Library, reading room or waiting hall,
- (d) First aid centre,
- (e) First aid medical person.

(3) The concerned local body shall make available the certain amount of budget appropriated by the Government of Nepal every year to the Club to be established under sub-rule (1).

(2) The Senior Citizen Club to be established under sub-rule (1) shall maintain the personal details of the senior citizens of such Club in the format of Schedule 1.

17. **Period of Finalization of Action:** The concerned agency shall finalize the action upon an application or complaint filed by senior citizen under Section 5 of the Act within thirty days of submission of such complaint or application.
18. **To be Made Pilgrimage:** The Care Centre or Daytime Service Centre shall make arrangement of pilgrimage of the senior citizens remaining in such centre at least once a year and sight seeing of different places twice a year.
19. **To Abide by the Code of Conduct:** The Ministry shall implement by enacting the code of conduct of the dignitaries and staff assigned in the management of the Care Centre or Daytime Service Centre.
20. **Amendment or Alteration in Schedules:** The Ministry may make necessary alteration or amendment in the schedules by publishing notice in the Nepal Gazette.

NEPAL LAW COMMISSION

## Schedule 1

(Relating to sub-rule (1) of Rule 8, sub-rule (3) of Rule 12 and sub-rule (3) of Rule 16)

### Personal Records of Senior Citizen

#### 1. Personal Details of the Senior Citizen:

- (a) Name and surname of senior citizen:
- (b) Name of father and mother:
- (c) Name of grandfather and grandmother:
- (d) Date of birth and place:
- (e) Address:
  - (i) Permanent address: District: ..... VDC/Municipality:  
..... Ward No. .... Tole/Village:  
..... Phone: ..... Email:  
.....
  - (ii) Temporary address:
- (b) Sex:
- (c) Details relating to health (to be mentioned special disease, physical disability or long term disease if any): .....
- (d) Citizenship:

#### 2. Details relating to the family of senior citizen:

- (c) Of the son, daughter-in-law, daughter, grandson and granddaughter of joint family.
  - (e) Name, surname and address:
  - (ii) Details relating to property and income:
- (d) Of the son, daughter-in-law, daughter, grandson and granddaughter that is separated.
  - (i) Name, surname and address:
  - (ii) Details relating to property and income:

(e) Details relating to the successor:

S.No.	Name and surname	Age	Relationship	Profession	Address
1.					
2.					
3.					

d. Other family background:

3. Academic qualification and professional skill of the senior citizen:

(a) Academic qualification:

(b) Professional skill:

(c) Sector of experience:

4. Details of property of the senior citizen:

(a) Movable property:

(b) Fixed property:

Certifying official:

Name and surname:

Post:

Agency:

## **Schedule 2**

### (Relating to sub-rule (1) and (2) of Rule 12)

#### Minimum Infrastructure and Facilities supposed to be Available in the Care Centre and Daytime Service Centre

1. A care centre giving shelter to at least ten senior citizens shall have the following infrastructure and facilities; and in case of giving shelter to more than ten senior citizens, the infrastructure and facilities also should have been increased accordingly:-
  - (a) Arrangement of room with at least forty sq.ft. of surface for each senior citizen,
  - (b) There should be a Senior Citizen Friendship Building and the area of compound of the building should be at least two times more than the area of coverage of building,
  - (c) Arrangement of separate rooms for the male and female except in the case of senior citizens staying together as husband and wife to each other,
  - (d) The following facilities:
    - (1) At least two toilets (separate for male and female),
    - (2) At least two bathrooms (separate for male and female),
    - (3) Kitchen/store room,
    - (4) Dining hall,
    - (5) Study room/T.V. room,
    - (6) First Aid room,
    - (7) Waiting room,
    - (8) Library/reading room,
    - (9) Any one playing spot among gymnasium, swimming pool and open ground.
  - (e) Arrangement of pure drinking water,

- (f) Sufficient windows for ventilation and light in the rooms of the building,
  - (g) Arrangement of cook and waiter, cleaner and necessary staff, and necessary medical person for health checkup and care of senior citizens, and necessary arrangement for training and lecture also from time to time.
  - (h) Special arrangement for accommodation of an infirm senior citizen suffered from a long disease, communicative disease (by giving due consideration to such disease).
2. A Daytime Service Centre delivering service to at least twenty senior citizens shall have the following infrastructure and facilities; and in case of more than twenty senior citizens, the infrastructure and facilities also should have been increased accordingly:-
- (a) Senior Citizens Friendship Building in the land with an area of two ropani and furniture as needed.
  - (b) The following facility
    - (1) Toilet,
    - (2) Bathroom,
    - (3) Kitchen/store room,
    - (4) Dining hall
    - (5) Study room/T.V. room,
    - (6) First aid room
    - (7) Waiting room
    - (8) Library.
  - (c) Availability of pure drinking water.
  - (d) Sufficient windows for ventilation and light in the rooms of the building.

**Schedule 3**

(Relating to sub-rule (1) of Rule 15)

**Senior Citizen Identity Card**

Name and surname: ...

Citizenship certificate No.: ...

Address: District: ..... V.D.C./Municipality: .....

Ward No.: ..... Tole/Village: .....

Age: ..... Sex: .....

Exemption and facilities that are available:

Name of husband/wife:.....

Details in the case of staying in a care centre: .....

Name, surname and contact address of the person who should be contacted:  
.....

Blood group and name of disease if any, and name of medicine consumed:...

Certifying official:

Signature:

Name and surname:

Post:

Office: