

GOVERNMENT OF KERALA
Law (Legislation-H) Department
NOTIFICATION

No. Leg. H1/168/2024/Law.

*Dated, Thiruvananthapuram, 25th April, 2025
12th Medam, 1200
5th Vaisakha, 1947.*

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala State Elderly Commission Act, 2025 (5 of 2025).

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.



[Translation in English of “2025-ലെ കേരള സംസ്ഥാന വയോജന കമ്മീഷൻ ആക്ട്” published under the authority of the Governor.]

ACT 5 OF 2025

THE KERALA STATE ELDERLY COMMISSION ACT, 2025

An Act to constitute an Elderly Commission for giving guidelines in matters related to the welfare and protection of the elderly and to enable their rehabilitation and to undertake and carry out schemes and activities necessary for making use of their skills and experience for utilizing it for the general public and to ensure the protection of rights and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to constitute an Elderly Commission for giving guidelines in matters related to the welfare and protection of the elderly and to enable their rehabilitation and to undertake and carry out schemes and activities necessary for making use of their skills and experience for utilizing it for the general public and to ensure the protection of rights and for matters connected therewith or incidental thereto;

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

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala State Elderly Commission Act, 2025.

(2) It shall be deemed to have come into force on the 21st day of December, 2024.

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

(a) “Care Centre” means Government old age homes or old age homes having recognition of the Orphanage Control Board for protecting elderly;

(b) “Chairperson” means Chairperson of the Commission;

(c) “Commission” means the Kerala State Elderly Commission constituted under section 3;

(d) “Elderly” means a person who has completed sixty years of age;



- (e) “Government” means the Government of Kerala;
- (f) “Member” means a member of the Commission;
- (g) “Notification” means a notification published in the Gazette;
- (h) “Old Age Home” means any institution where elders are accommodated or protected;
- (i) “Prescribed” means prescribed by rules made under this Act.

CHAPTER II

CONSTITUTION OF THE COMMISSION

3. *Constitution of the Commission.*—(1) The Government shall as soon as may be after the commencement of this Act, by notification, constitute a body by name the Kerala State Elderly Commission to exercise the powers conferred on it and to perform the functions assigned to it under this Act.

(2) The Commission shall consists of a Chairperson and not more than four members who shall be appointed by Government by notification.

(3) The Chairperson including members appointed to the Commission shall be elderly and have experience in the field of welfare of the elderly and of whom one shall be from Scheduled Castes or Scheduled Tribes and the other one shall be a woman.

(4) The Government shall appoint a person not below the rank of an Additional Secretary to Government as the Secretary of the Commission and a person not below the rank of the Joint Secretary to Government in Law Department as the Registrar of the Commission and a person not below the rank of the Deputy Secretary to Government in Finance Department as the Finance Officer of the Commission.

(5) Persons appointed under sub-section (4) shall have such powers and functions as may be prescribed.

(6) The headquarters of the Commission shall be at Thiruvananthapuram.



4. *Term of office and conditions of service of Chairperson and members.*—(1) The term of office of the Chairperson and the members shall be three years from the date on which they assume office:

Provided that the Chairperson may continue in office till his successor is appointed under sub-section (2) of section 3 and assumes office or for six months, whichever is earlier.

(2) The Chairperson or the member may, at any time by writing under his hand addressed to the Government, resign his office.

(3) In the event of occurrence of casual vacancy of the Chairperson or the member by reason of resignation, death, removal or the like, the same shall be filled by an appointment by the Government and the persons so appointed shall be entitled to hold office for the remaining period of the term of office in whose place he is so appointed.

(4) The Government may by order remove the Chairperson or any member from his office, if he,—

(a) is adjudged as an undischarged insolvent by a competent court;

(b) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude;

(c) become of unsound mind and so declared by a competent court;

(d) is absent from three consecutive meetings without obtaining permission from the Commission;

(e) is in the opinion of the Government, abused his official position so as to be detrimental to the interest of the elderly or to public interest;

(f) abstain from discharging functions; or

(g) became incapable to discharge functions:

Provided that no person shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard.



(5) The Chairperson shall not engage in any other employment having salary or in any other work having remuneration, in so long as he continues in such position.

(6) The Chairperson or a member shall not be eligible to hold office for more than two term:

Provided that in the case of a person appointed under the provisions of sub-section (3) and holding office only for a period of one year or less, such period shall not be reckoned as a term under sub-section (1).

(7) The general superintendence, guidance and administration in the day to day affairs of the Commission shall be vested in the Chairperson and he shall be assisted by other members in the discharge of such functions.

(8) The Chairperson shall be a full time officer having the rank of Secretary to Government and shall be eligible for such salary and allowances as may be prescribed.

(9) The members of the Commission shall be eligible for honorarium and such allowances or sitting fees for attending the meetings, as may be prescribed.

5. *Officers and Staff of the Commission.*—(1) The Government shall appoint officers and staff to the Commission for the discharge of its functions.

(2) The salaries and allowances payable to the officers and staff appointed under sub-section (1), and the method of appointment and other conditions relating to service etc. shall be in the manner as prescribed.

6. *Salaries, allowances and the administrative expenses to be allotted from grants.*—The salary and allowances of the Chairperson, the honorarium, allowances and sitting fees payable to the members and the administrative expenses including salary, allowances and pension to the officers and staff referred to in sub-section (4) of section 3 and sub-section (1) of section 5 shall be utilised from the grants referred to in sub-section (1) of section 12.

7. *Vacancies etc. not to invalidate the proceedings of the Commission.*—No act or proceeding of the Commission shall be invalid only on the ground that there exists any vacancy in the Commission or any defect in its constitution.



8. *Meetings of the Commission.*—(1) The Commission shall meet at such time and at such place as the Chairperson may think fit as per the procedure as prescribed.

(2) All orders and decisions of the Commission shall be authenticated by the signature of the Chairperson or the Registrar as authorised by the Commission in this behalf and other instruments executed by the Commission shall be authenticated by the signature of the Secretary or an officer discharging the functions of the Secretary.

(3) The Commission may, for the purpose of transacting any business before it or for considering any special matter, invite persons not exceeding two, having special knowledge in the matter as special invitees and let them to participate in the meetings but such persons shall not have the right of voting in such meetings of the Commission.

(4) The persons invited under sub-section (3) shall be eligible for such allowances as may be prescribed.

CHAPTER III

FUNCTIONS, POWERS ETC. OF THE COMMISSION

9. *Functions of the Commission.*—(1) Subject to the provisions of this Act, it shall be the function of the Commission to issue guidelines for the welfare and protection of the elderly and to provide assistance and to facilitate rehabilitation to them in collaboration with Government when it is required and to provide legal aid of any sort when needed, and to undertake and carry out schemes and activities necessary for making use of their skills and experience for utilizing it for the general public and to perform such other functions as may be assigned to the Commission by the Government from time to time.

(2) The Commission shall in furtherance of its object perform the following functions, namely:—

(a) to conduct inspection or inquiry and to recommend necessary remedial measures for the implementation of the provisions pertaining to the welfare and protection of the elderly, as per the Constitution of India or any other law or order for the time being in force;

(b) to co-ordinate various Departments of the Government for the ensuring of welfare and protection of the elderly;



(c) to co-ordinate necessary actions for bringing those elderly who were abandoned or orphaned to the Care Centres;

(d) to advise the Government regarding the schemes which are to be planned and implemented for the ensuring of welfare and protection of the elderly;

(e) when a complaint is received or brought to notice that there occurred denial or violation of the provisions relating to rights, protection or welfare of the elderly or violence occurred against the elderly and it is *prima facie* satisfied such denial or violation of provisions or violence, it shall conduct a preliminary inquiry and prepare a report in writing thereon and bring it to the notice of the authorities concerned as early as possible and to recommend for further action and shall in appropriate cases provide assistance from the Legal Aid Authorities;

(f) to conduct inquiry on a complaint received from prisons or lock-ups where the elderly are detained or other places related to custody and submit reports to the authorities concerned;

(g) to prepare and publish status statement of the elderly as may be prescribed;

(h) to advice Government on other matters referred to for the consideration of the Commission from time to time.

10. *Powers of the Commission.*—(1) For the purpose of carrying out its functions, the Commission shall have the power to utilize the service of,—

(a) any officer of the Government, with the permission of the Government; or

(b) any officer of the Corporations or Boards owned by the Government or Local Authorities, with the sanction of the Corporation, Board or the Local Authorities concerned and with the concurrence of the Government.

(2) While performing its functions under section 9, the Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining them on oath;



(b) discovery and production of any document;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copy thereof from any court or office or other institutions;

(e) issuing commissions for the examination of witnesses and verification of documents;

(f) any other matter as may be prescribed.

(3) The Commission shall, while conducting an inquiry under section 9, afford a reasonable opportunity of being heard to the persons concerned to represent either by themselves or through authorised representative.

(4) On any inquiry under this Act the findings of the Commission shall be forwarded to the Government along with its recommendation for appropriate action or for redressal to the parties in dispute within one month after completing such inquiry.

(5) The statement or deposition given by a person relating to himself before the Commission as part of taking evidence shall not be used in proceedings before any civil court or criminal court except in prosecution proceedings for giving false evidence by way of such statement or deposition.

11. *Contributions, endowments etc. towards the Commission.*—The Commission shall, with the previous sanction of the Government and subject to such terms and conditions as may be specified by the Government in this behalf, have the power to institute endowments for encouraging elderly in various literary, cultural and sports activities, to give them prizes or awards and to receive money from any organisation or person in this behalf by way of donation or contribution or by any other name.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

12. *Grants by the Government.*—(1) The Government shall, after due appropriation made by the Legislature by law, pay to the Commission by way of grant such sum of money as the Government may think fit for the purpose of utilising under this Act.



(2) The Commission may, out of the grant spend such sum as it may deem fit for performing the functions under this Act and such sum shall be treated as expenditure payable out of the grant referred to in sub-section (1).

13. *Accounts and Audit.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in consultation with the Accountant General in the Form as may be prescribed.

(2) The accounts of the Commission shall be audited by the Accountant General in each financial year and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit and accounts of the Commission under this Act shall have the same rights and privileges as the Accountant General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand production of books and accounts, connected vouchers, other documents and papers and to inspect any office of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf, along with the audit report thereon shall be forwarded to the Government by the Commission in each financial year and the Government shall lay the report before the Legislative Assembly within a period of six months from the date of its receipt.

14. *Annual report of the Commission.*—(1) The Commission shall within three months after the end of each financial year submit to the Government an annual report giving a full account of the activities and programmes undertaken during the previous financial year in such Form and in such manner as may be prescribed.

(2) A copy of the report received under sub-section (1) shall be laid before the Legislative Assembly by the Government within six months from the date of receipt of the same.



CHAPTER V
MISCELLANEOUS

15. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Chairperson or any Member, Secretary or any other officer or staff of the Commission acting under the direction of the Commission in respect of anything which is done or purported to be done in good faith under this Act.

16. *Chairperson, Members, Secretary and other officers and staff to be public servants.*—The Chairperson, Members, Secretary and other officers and staff 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).

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

18. *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 Gazette make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that no such order shall be issued after the expiry of a period 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.

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

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the salary and allowances payable to and other terms and conditions of service of the Chairperson and the honorarium, allowances or sitting fees payable to the Members;

(b) the powers and functions of the Secretary, the Registrar and the Finance Officer appointed under sub-section (4) of section 3;



(c) the method of appointment, salary, allowances and other conditions of service of the staff to be appointed in the Commission under section 5;

(d) the procedure for summoning the meeting of the Commission under sub-section (1) of section 8;

(e) the allowances payable to the special invitees as per sub-section (3) of section 8;

(f) the allowances and other benefits payable to officers performing functions under sub-section (1) of section 10;

(g) the Form for preparing the annual statement under sub-section (1) of section 13;

(h) the Form and time limit of annual report to be prepared by the Commission under sub-section (1) of section 14;

(i) 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.

20. *Validation.*—Notwithstanding the cesser of operation of the Kerala State Elderly Commission Ordinance, 2024 (3 of 2024) (hereinafter referred to as the said Ordinance),—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken by this Ordinance shall be deemed to have been done or taken under this Act;

(b) anything done or any action taken after the cesser of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken by the said Ordinance had it not been ceased to operate, shall be deemed to have been done or taken under this Act.

