



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**PROTECTION OF THE RIGHTS OF ELDERS
(AMENDMENT) ACT, No. 5 OF 2011**

[Certified on 23rd February, 2011]

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*Protection of the Rights of Elders
(Amendment) Act, No. 5 of 2011*

[Certified on 23rd of February, 2011]

L.D.—O. 23/2007.

AN ACT TO AMEND THE PROTECTION OF THE RIGHTS OF ELDERS
ACT, NO. 9 OF 2000

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Protection of the Rights of Elders (Amendment) Act, No. 5 of 2011 . Short title.

2. The Protection of the Rights of Elders Act, No. 9 of 2000 (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion of the following Preamble immediately after the Long Title to such enactment:— Insertion of Preamble to the Protection of the Rights of Elders Act, No. 9 of 2000.

“WHEREAS the Directive Principles of the State Policy enshrined in the Constitution recognize the duty of the State to assist in the full realization of the fundamental rights and freedoms of all people; to promote the welfare of the people by securing a social order governed by justice; to recognize and assist in the realization of adequate standards of living for the people and to raise the moral and cultural standards of the people and to thereby ensure the full development of the human personality:

AND WHEREAS the state has recognized elders as a group of persons who need to be cared for and protected by the State, by treating them with dignity and respect:

AND WHEREAS Sri Lanka has adopted and ratified the United Nations Resolution No. 46/91 of December 16, 1991, which appreciates the contribution made by elders to society and is mindful that the State must provide the necessary infrastructure to assist elders

who are advancing in years to live a life which is socially, economically, physically and spiritually fulfilling :”.

Amendment of
section 3 of the
principal
enactment.

3. Section 3 of the principal enactment is hereby amended as follows:—

- (1) by the repeal of paragraph (c) of subsection (1) of that section and the substitution therefor of the following paragraph:—

“(c) The Director, Department of Social Services;”

- (2) in paragraph (b) of subsection (2) of that section by the substitution for the words “be appointed as a Vice Chairman of the Council.” of the words “be appointed as a full time Vice Chairman of the Council ”;

- (3) by the insertion immediately after subsection (2) of that section of the following new subsection:—

“(3) The Director, National Secretariat for Elders shall be the Secretary to the Council.”.

Amendment of
section 14 of the
principal
enactment.

4. Section 14 of the principal enactment is hereby amended —

- (1) by the insertion immediately after paragraph (g) of that section of the following paragraphs:—

“(h) to issue an Elders’ Identity Card to every elder in order to facilitate the receipt by elders of the benefits and concessions available to elders in both public and private sector services;

- (i) to establish an Elders Committees in every Grama Niladhari Division, Divisional

Secretarial's Divisions, Administrative District and Provincial Council area;

- (j) to appoint Conciliation Officers conversant with the problems of elders to assist them in settling such problems;
- (k) to disseminate knowledge of gerontology and geriatric medicine among persons involved in providing care for elders; "and

(2) by the re-lettering of paragraph (h) as paragraph (l).

5. Section 15 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following:—

Amendment of section 15 of the principal enactment.

“(3) (a) No person shall on account of age, subject any elder, to any liability, restriction or condition with regard to access to or use of, any building or place or institution whether such access is on the basis of payment of any fee or otherwise and where no such liability, restriction or condition is placed on any other person.

(b) No person shall on account of age, deny any elder, the use or enjoyment of any facility, benefit, advantage or service, the provisions of which is on the basis of payment of any fee or otherwise and where such facility, benefit, advantage or service is used or enjoyed by or extended to other persons.”.

6. Section 16 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 16 of the principal enactment.

“Registration with the Council.

16. (1) Every person or organization whether voluntary or otherwise, engaged in the establishment and maintenance of any institution intended for providing residential

care for elders, shall if such institution has more than five elders residing therein, register such institution in accordance with the provisions of this Act.

(2) Any person or organization who fails to comply with the provisions of subsection (1) shall be guilty of an offence under this Act.”.

Amendment of section 18 of the principal enactment.

7. Section 18 of the principal enactment is hereby amended by the insertion immediately after subsection (2) thereof of the following new subsection:—

“(2A) The Council may require any person or organization referred to in section 16 to furnish to the Council any document or report which the Council may determine as necessary.”.

Amendment of section 24 of the principal enactment.

8. Section 24 of the principal enactment is hereby amended in subsection (1) thereof by the substitution for the words “There shall be appointed for the purpose of this Act” of the words “The Judicial Service Commission shall appoint persons of eminence and integrity who have knowledge and experience in the field of law, management, human rights, social service, medicine or counseling to be members of”.

Insertion of new section 24A of the principal enactment.

9. The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment:—

“Conciliation Officers.

24A. (1) A Conciliation Officer appointed by the Council shall mediate any maintenance claim referred to him by the Board.

(2) Where a settlement cannot be reached in respect of any claim referred to the Conciliation Officer, he shall refer such matter to the Board.

(3) The Council shall determine the qualifications and the criteria to be followed in the selection of a Conciliation Officer.”.

10. Section 28 of the principal enactment is hereby amended as follows:—

Amendment of section 28 of the principal enactment.

(1) by the repeal of subsection (2) thereof and the substitution of the following subsections:—

“(2) The Board may in awarding maintenance, order the respondent to—

(a) deposit with such bank as may be specified such minimum sum as the Board may determine; or

(b) purchase an annuity with an insurer of the value of such minimum sum.

(3) Where the respondent fails to comply with the provisions of subsection (2), the Board may request the employer of the respondent to deduct from the salary, the sum due to be paid by the respondent to the applicant and remit such sum to the credit of the applicant.”.

(2) by the re-numbering of subsection (3) as subsection (4).

11. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of Inconsistency.

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