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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(Amendment) Act, No. 5 of 2011

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L.D.—O. 23/2007.

ANACT 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 Short title.

of Elders (Amendment) Act, No. 5 of 2011 .

2. The Protection of the Rights of Elders Act, No. 9 of Insertion of

2000 (hereinafter referred to as the “principal enactment”) is Preamble to the

Protection of the

hereby amended by the insertion of the following Preamble Rights of Elders

immediately after the Long Title to such enactment:— 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

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who are advancing in years to live a life which is

socially, economically, physically and spiritually

fulfilling :”.

Amendment of 3. Section 3 of the principal enactment is hereby

section 3 of the amended as follows:—

principal

enactment.

(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 4. Section 14 of the principal enactment is hereby

section 14 of the amended —

principal

enactment.

(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

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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 Amendment of

amended by the repeal of subsection (3) of that section and section 15 of the

principal

the substitution therefor of the following:— 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 Replacement of

hereby repealed and the following section substituted section 16 of the

principal

therefor:—

enactment.

“Registration 16. (1) Every person or organization

with the whether voluntary or otherwise, engaged in the

Council.

establishment and maintenance of any

institution intended for providing residential

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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 7. Section 18 of the principal enactment is hereby

section 18 of the amended by the insertion immediately after subsection (2)

principal

enactment. 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 8. Section 24 of the principal enactment is hereby

section 24 of the amended in subsection (1) thereof by the substitution for

principal

enactment. 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 9. The following new section is hereby inserted

section 24A of immediately after section 24 of the principal enactment and

the principal

enactment. shall have effect as section 24A of that enactment:—

“Conciliation 24A. (1) A Conciliation Officer appointed

Officers. 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.

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(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 Amendment of

amended as follows:— 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 text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of Inconsistency.

prevail.

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