

(2016) 02 JH CK 0067
In the Jharkhand High Court
Case No : W.P. (PIL) No. 6819 of 2013

J.S.C.A.S.S through its Vice President	APPELLANT
Vs	
State of Jharkhand	RESPONDENT

Date of Decision : 10-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Maintenance and Welfare of Parents and Senior Citizens Act, 2007 — Section 20, 22

Citation : (2016) 2 JLJR 137

Hon'ble Judges : Virender Singh, C.J. and Shree Chandrashekhar, J.

Bench : Division Bench

Advocate : Mr. Mahesh Tewari, Advocate, for the Appellant; Mr. Rajesh Kumar, G.P.-V, for the Respondent

Final Decision : Disposed Off

Judgement

Virender Singh, C.J.—An important issue concerning the welfare of the parents and senior citizens in the present society has been raised in the present writ petition. The joint family concept in our country has perhaps been long forgotten. New generation likes to move on leaving their old parents at the mercy of the God. There is absolute absence of social security system in our country to take care of the older generation. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a step forward for the maintenance and welfare of parents and senior citizens. One of the prayers in the writ petition is for a direction upon the respondent-State to frame rules under Section 30 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Mr. Rajesh Kumar, the learned G.P-V submits that the State Government has already framed rules under Section 30 called the "Jharkhand Maintenance of Parents and Senior Citizens Rules, 2013".

3. Another prayer in the writ petition is to direct the respondent nos. 1 & 2 to take immediate steps for establishing "Old Age Homes" in each district of the State.

4. Mr. Mahesh Tewari, the learned counsel for the petitioner referring to Section 20 of the Act submits that the essential medical support for senior citizens ensuring that

"20. Medical support for senior citizens.

- The State Government shall ensure that,-

(i) the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible;

(ii) separate queues be arranged for senior citizens;

(iii) facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens;

(iv) research activities for chronic elderly diseases and ageing is expanded;

(v) there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care."

have not yet been ensured by the State Government. It has been further submitted that the State Government in terms of Section 22 has yet not conferred powers and imposed duties on the District Magistrates for ensuring proper implementation of the provisions of the Act. It is submitted that a direction may be issued to the concerned authorities, to begin with, to establish at least one "Old Age Home" at Ranchi.

5. Considering the rights guaranteed and the protection provided under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, we are of the opinion that the respondent-State must take immediate steps for identification of land ad-measuring about one acre at least preferably in a residential locality for establishing one "Old Age Home" for the parents and senior citizens at Ranchi. Deputy Commissioner, Ranchi is directed to involve himself for identifying the suitable place and report instructions in this regard on or before next date of hearing.

6. Copy of the order shall also be conveyed to the Chief Secretary of the State so that he may also use his good offices in this pious move, which otherwise is required in terms of Section 19 of the Act of 2007.

7. List again on 04.05.2016, to be indicated among first five cases in the Cause List.