

(2018) 11 J&K CK 0068

In the Jammu And Kashmir High Court

Case No : Public Interest Litigation No. 12 Of 2013, IA Nos. 253 Of 2014, 01 Of 2017

Viklang Chhatra Trust @APPELLANT@Hash State Of &K And Another

Date of Decision : 12-11-2018

Acts Referred:

Citation : (2018) 11 J&K CK 0068

Hon'ble Judges : Gita Mittal, CJ;Alok Aradhe, J

Bench : Division Bench

Advocate : Veenu Gupta, D.C.Raina, Sudesh Magotra

Judgement

1. Pursuant to the order dated 14th September, 2018, this status report has been filed under the signatures of B.V.R. Subrahmanyam, the Chief Secretary of the Government of Jammu and Kashmir. It is seen that the financial approval of the State Government for construction of old age homes for men, women as well as Bal Ashrams for boys and girls has been accorded as back as on 24th July, 2017.

2. Additionally, the financial outlay for working of the National Social Assistance Programme, which is a centrally sponsored scheme for poor and persons living below poverty line, to enable disbursement under the Indira Gandhi National Widow Pension Scheme (IGNWPS), Indira Gandhi National Disability Pension Scheme (IGNDPS) and Indira Gandhi National Old Age Pension Scheme (IGNOAPS) has been placed on record.

3. This Court is also informed that during the current financial year under the Integrated Social Security Scheme, which is a state sponsored scheme, 40,000 additional cases have been identified and approved for award of the benefits.

4. Simultaneously, the State Social Welfare Department has initiated the process for weeding out of the ineligible/ expired beneficiaries and that 11,158 such persons have been identified. The status report gives the assurance that equal number of pending cases shall be sanctioned as per the guidelines of the Scheme and that the remaining pendency shall be considered after the verification

process is completed keeping in view the availability of the resources.

5. Another critical aspect of the matter finds noticed in orders dated 7th August, 2014, 07th April, 2015, 20th May, 2015 and 17th February, 2016 as well as other orders wherein this Court has noted that several pieces of lands have been identified for construction of old age homes. The status of the steps taken towards establishing these old age homes as well as the land position is not forthcoming on the record.

6. The Secretary to Govt., Social Welfare Department shall place on record tabulation of the land available as well as status of possession thereof; the financial sanction(s) and approval(s) for construction of old age homes in different districts of the State of Jammu & Kashmir.

Let a status report in this regard be filed within four weeks.

7. We may note that all issues relating to development of women and children have been clubbed together and assigned to the Department of Social Welfare resulting in burdening of this department and ineffective working of the Govt. Social Welfare Schemes and matters relating thereto. This aspect was placed before the Court while considering PIL Nos.09/2013 & 09/2015 in Srinagar Wing of this Court. Vide orders dated 14th September, 2018, the matter was brought to the notice of Chief Secretary of the State. The respondents were required to consider the aspect of segregation of the works relating to women and children on the one hand, viz-a-viz Social Welfare on the other and the division of the two as separate departments, as has been done in the Central Government as well as other States. This aspect of the matter deserves urgent scrutiny to ensure effective working of the social assistance scheme as are under examination in the present case.

8. Apart from the residential facilities in the nature of old age homes, there is another example which secure the interests of the old age, as is available in States of Uttranchal, Haryana as well as in Delhi wherein day care centres have been set up which are being run by NGOs. This example is cost effective, highly productive and deserves to be emulated. In this regard Dr. Abha Choudhary, an geriatric expert is running an NGO in the name of Anugraha, which is running the Swabhiman Parisar in East Delhi with the Delhi State Legal Services Authority. This is a day center for the old.

9. Even otherwise, the State Legal Services Authorities are required to ensure working and availability of benefits of the Social Welfare Schemes to the eligible beneficiaries.

10. We, further, direct impleadment of the J&K Legal Services Authority through its Member-Secretary as respondent in this petition.

11 We, therefore, direct the Member-Secretary, J&K State Legal Services Authority as well as District Legal Services Authorities, to ensure that the Govt. schemes noted in this order are given due publicity and that the benefits are

made a available to the eligible persons in their respective districts.

12. So far as geriatric care is concerned, it needs no elaboration that the same cannot be confined for providing only monetary assistance to the aged. On account of old age, several disabling limitations come to the fore. It is, therefore, essential that while providing facilities for old aged, the aspect of old age related disabilities and other disabilities also needs to be provided for. This aspect of the matter shall be kept in mind by the authorities while designing the facilities for aged persons.

13. List on 24th December, 2018.

14. Let a copy of this order be sent to the Chief Secretary for compliance by the Registry.

15. Copy of this order be supplied to the learned counsel for the parties under the seal and signatures of the Bench Secretary.