

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**PUBLIC INTEREST LITIGATION NO. 125 OF 2016.****(Jeshta Nagrik Mandal .vs. The Union of India & others)**

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. Anand Parchure, Advocate (Amicus Curiae) for
petitioner,
Mr. S.A. Chaudhari, Advocate for respondent no. 1.
Mr. N.H. Joshi, A.G.P. for respondent nos. 2 & 3,
Mr. S.M. Puranik, Advocate for respondent no. 4,.
Mrs. S.S. Jachak, Advocate for respondent no. 5.

CORAM : B.P. DHARMADHIKARI & ROHIT B. DEO, JJ.

DATED : JULY 5, 2017.

The grievance made in relation to demand of charges by respondent no.4 Nagpur Improvement Trust on senior citizens using a room in garden to spend their spare time has given rise to this P.I.L. Mr. Anand Parchure, learned Advocate came to be appointed as Amicus. Learned Amicus thereafter has drawn a proper petition and apart from the said demand, has also invited attention to Maharashtra State Policy for Older Persons, 2004, its non-implementation and subsequent similar policies or its non-implementation.

As the grievance is to be looked in as P.I.L., it is apparent that individual disputes cannot be looked into.

Mr. S.M. Puranik, learned Advocate for respondent no. 4, has made a statement that after the said demand, Nagpur Improvement Trust and senior citizens utilizing the room

constructed by them in public garden have entered into an agreement and a specified amount is being paid by senior citizens to Nagpur Improvement Trust. Learned Amicus submits that he has not gone through any such agreement and demand of any amount by N.I.T. for user of such structure may itself be illegal.

As the citizens themselves have offered to pay some amount and that amount can be used by Nagpur Improvement Trust to maintain the construction properly, we find the arguments unnecessary. The structure has been constructed through funds provided by a Member of Parliament. Its upkeep and maintenance is necessary. Therefore, monthly sum being paid by Senior Citizens can be used for that purpose. However, if in relation to that agreement or at the time of revision of such charges, any dispute arises, we keep contentions of learned Amicus open for consideration at that juncture.

We find that in 2004 Policy, there is a provision for constituting a Central Research and Study Council. The Council has to take steps to collect data from various institutes and hospitals and process it. Affidavit placed on record by respondent no.3 Collector does not disclose any proceedings of such Council or any decision by it or its implementation. The perusal of Resolution dated 26.5.2016 issued by State Government reveals that the Council has been reconstituted and a provision has been made for State Executive Council for Senior Citizens. It is also stipulated that meeting of that Council must be held at least once in every six months and senior citizen members of Committee should be paid some allowance. It is apparent that even this provision has not been made use of.

Mr. S.A. Chaudhari, learned Advocate for respondent no. 1 Union of India, has invited our attention to paragraph no. 12 of reply affidavit filed by Secretary in Department of Social Justice and Empowerment. He has pointed out that Ministry is diligently pursuing the finalization of draft National Policy for Senior Citizens. It is also expressed that as the matter is in the realm of policy making, no definite time limit therefor can be specified.

After hearing respective Counsel, we find that till such new National Policy is formulated and implemented, existing policy in the State of Maharashtra need to be effectively implemented. There is already a provision for Council. That Council has to meet and consider data received by it. Accordingly, it can pass various resolutions and those resolutions can be implemented by State Government. This will result in redressal, to certain extent, of the problems faced by senior citizens in the State. Merely because there is no National Policy, the respondent nos. 2 & 3 cannot avoid to discharge its obligations.

We, therefore, find that interest of justice can be met with by directing respondent nos. 2 & 3 to arrange for and to hold meeting of the State Executive Council for Senior Citizens as mentioned supra at the earliest and in any case within three months from today. The State Government may publish notice of meeting scheduled well in advance and invite suggestions from various sectors which can be looked into by the Executive Council in that meeting.

Similarly, we direct the respondent no.1 to make attempts to finalize the National Policy within six months from

today.

We thank learned Amicus for taking pains and drawing proper petition to assist this Court. We also must similarly thank other respective Counsel, who have tried their best to place relevant material for perusal of this Court and to assist it.

With these directions, we dispose of the P.I.L.

Judge

Judge

J.