Item No. 2
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No.46 of 2019

In Re: Establishment of old age homes in

All the districts of Manipur State ……. Petitioner

- Versus –

1. The State of Manipur, represented by the Chief Secretary, Govt. of Manipur.
2. The Secretary, Social Welfare Department, Govt. of Manipur …. Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR.JUSTICE KH.NOBIN SINGH

For the Petitioner :: None appears
For the respondents :: Mr.N.Kumarjit, AG
Date of Order :: 07.10.2020

ORDER (ORAL)

07.10.2020
CJ

[1] This Public Interest Litigation has been registered on the basis of a letter submitted by a counsel on 04.10.2019 addressed to the Hon'ble Chief Justice of this Court for establishment of old age homes in all the districts of Manipur so as to stop deaths of orphan senior citizen and old aged people keeping in line with the provisions of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007. In the letter dated 04.10.2019, it has been stated that many old aged parents and senior citizens are neglected and they have no food, clothes, medicines and shelter

and they are in a very pitiable condition. On the basis of that letter, the PIL was registered and notice was issued on 13.11.2019.

[2] In response to that, the State has filed a detailed affidavit dated 14.9.2020 with annexures. The State respondents appear to have addressed the issue in a very comprehensive manner as could be seen in paragraph No. 3. We extract para Nos. 3, 4 and 5 for better clarity as under.

> "3. That in the matter, the Secretariat : Social Welfare Department, Government of Manipur directed the Director, Social Welfare Department, Government of Manipur to furnish certain information as regards the implementation of "Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as Act, 2007)" in the State of Manipur. Accordingly, the Director vide Letter No.6/1/2010-SWS-Citizens dated 19-08-2020 furnished the following information.
>
> (i) Under Section 1(3) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the State Government had issued a Notification being No.8/12/2008-S(SW) dated 29-10-2009 whereby notified that the State Government appoints 30-10-2009 as the date on which the said Act, 2007 came into force in the State of Manipur. The same was published in the Manipur Gazette on 30.10.2009.
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> True copies of the Letter dated 19-08-2020 of the Director (Social Welfare), Manipur and Gazette Notification dated 30.10.2009 are annexed herewith and marked as ANNEXURE-R/1 & R/1(1) respectively.
>
> (ii) Further, under section 32 of the Act, 2007; the Government of Manipur framed a Rule called the Manipur Maintenance of Parents and Senior Citizens Rules, 2011 by issuing a Notification being No. 8/12/08-S(SW) dated 02-12-2011.
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> A true copy of the Manipur Maintenance of Parents and Senior Citizens Rules, 2011 is annexed herewith and marked as ANNEXURE-R/2.
>
> (iii) That as per the provision of Section 19 of the Act, 2007; there are 35 Senior Citizens Homes in the State of Manipur run by Non-Governmental Organisations under the Centrally Sponsored Scheme of "Integrated Programme for Senior Citizens under the Ministry of Social Justice and Empowerment, Government of India".

The said Homes followed the prescribed guidelines of the Ministry under the said Scheme.

A true copy of the list the Senior Citizen's Homes in the State of Manipur is annexed herewith and marked as ANNEXURE-R/3.

4. That it is further to state the Government of Manipur has taken up the following steps for implementation of the various provisions of the Act, 2007.

(i) Under sub-section (1) of Section 7 of the Act, 2007; the Government of Manipur, Secretariat: Law & Legislative Affairs Department vide Notification No. 4/1/2011-Judl/L dated 14-09-2012 had constituted Maintenance Tribunals with the local limits of the respective Sub-Divisions of the Districts to exercise powers for the purpose of adjudicating and deciding upon order for maintenance.

A true copy of the Notification dated 14-09-2012 is annexed herewith and marked as ANNEXURE-R/4

(ii) Under sub-section (2) of Section 7 of the Act, 2007; the Government of Manipur, Secretariat: Law & Legislative Affairs Department vide Order No.4/1/2011-Judl/L(A) dated 14-09-2012 had appointed all the Additional Deputy Commissioners/ Sub-Divisional Officers of the Sub-Divisions as the Presiding Officer of the Maintenance Tribunals.

A true copy of the order dated 14-09-2012 is annexed herewith and marked as ANNEXURE-R/5.

(iii) Under sub-section (1) of Section 15 of the Act, 2007; the Government of Manipur, Secretariat: Law & Legislative Affairs Department vide Notification No. 4/1/2011-Judl/L/1 dated 14-09-2012 had constituted Appellate Tribunals with the local limits of the respective Districts.

A true copy of the Notification dated 14-09-2012 is annexed herewith and marked as ANNEXURE-R/6.

(iv) Under sub-section (2) of Section 15 of the Act, 2007; the Government of Manipur, Secretariat: Law & Legislative Affairs Department vide Order No. 4/1/2011-Judl/L(B) dated 14-09-2012 had appointed all the District Magistrates as the Presiding Officer of the Appellate Tribunals.

A true copy of the Order dated 14-09-2012 is annexed herewith and marked as ANNEXURE-R/7.

5. That apart from the above situation, the State Government also launched a scheme for Maintenance Grant for homeless older persons under the title “Chief Ministergi Sotharabasingi Tengbang (CMST)” with an objective to improve the quality of life of the older persons to those who have been left homeless or sheltered in old age homes recognized by the Department of Social Welfare, Manipur, by providing monetary support to give them dignity with social security. The rate of assistance is Rs. 1000/- per month.

A true copy of the relevant portion of the Scheme Guidelines is annexed herewith and marked as ANNEXURE-R/8.”

[3] We have perused Annexure-R/3. It is the list of the senior citizen’s home units in Manipur. We note that while most of the districts of Manipur are covered, a few districts have been over-looked, particularly, the district like Ukhrul. We, therefore, direct the State respondents to ensure establishment of senior citizen homes in the districts where there is no senior citizen home are established.The various steps taken by the State Government is recorded with appreciation and we direct the authority concerned to implement the provisions of the Maintenance of Welfare of Parents and Senior Citizens Act, 2007 in pith and substance.

[4] With the above observation, the PIL stands disposed of.

JUDGE CHIEF JUSTICE

FR/NFR

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Yumkham Rother

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