

**CWPIL No. 30 of 2019 a/w CWP
No. 1077 of 2019 & 1563 of 2020**

20.12.2021 Present: **CWPIL No. 30 of 2019**
Court on its own motion.

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami, Additional Advocate General, for the respondents.

CWP No. 1077 of 2019
Petitioner in person.

Mr. Balram Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami, Additional Advocate General, for respondents No. 2 and 4.

Mr. Narender Sharma, Advocate, for respondent No. 3.

Ms. Megha Kapur Gautam, Advocate, for respondent No. 5.

CWP No. 1563 of 2020

Mr. Arjun Lall and Ms. Shradha Karol, Advocates, for the petitioner.

Mr. Balram Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami, Additional Advocate General, for respondents No. 2 to 5.

CMP No. 15284 of 2021 in CWP No. 1077 of 2019

For the reasons stated in the application, the same is allowed and the applicant-Manav Sewa Trust is ordered to be impleaded as party-respondent, shall figure as respondent

-: 2 :-

No. 6 in the cause title. Amended memo of parties be filed within one week. The application is disposed of accordingly.

CWPIL No. 30 of 2019 & CWP No. 1077 of 2019

2. This Court in its order, dated 22nd October, 2021, noted the submission made by the learned Advocate General that there are total seven Old Age Homes in five Districts of Himachal Pradesh, i.e. Shimla, Kangra, Mandi, Kullu and Lahaul & Spiti, and proposals with regard to opening of seven more new Old Age Homes have been sent to the Central Government. The learned Assistant Solicitor General of India also sought time to seek instructions and make submissions with regard to the progress in the matter.

3. Today, the learned Assistant Solicitor General of India submits that as per the instructions, as regards the State Action Plan for Senior Citizens, for which the State Government is the Implementing Agency, such proposals have not been received with respect to the years 2020-21 and 2021-22, however, a sum of ₹ 75.00 Lakhs was released for the years 2019-20. He further submits that under the Integrated Programme for Senior Citizens, for which the Implementing Agency is Non-Governmental Organizations, a sum of ₹ 46.12

-: 3 :-

Lakhs was released for the years 2019-20, a sum of ₹ 27.09 was released for the years 2020-21 and a sum of ₹ 9.65 has been released for the years 2021-22.

4. The respondents-State have filed the compliance affidavit on 7th December, 2021, in which it has been asserted that they have recently sent the proposals to the Central Government for establishing new Old Age Homes under the Centrally Sponsored Scheme (Integrated Programme for Senior Citizens). They have given the details of five such Old Age Homes. Apart from this, the details of two other Old Age Homes, proposed to be set up by NGOs have also been given in the said affidavit. The learned Advocate General to provide a copy of the said compliance affidavit to the learned Assistant Solicitor General of India, who may examine the same and file specific response to the same on or before the next date.

5. This Court, vide its order, dated 27th February, 2020, passed in CWP No. 1077 of 2019, has directed the Secretaries of the District Legal Services Authorities of the Districts where the Old Age Homes are working, to inspect all such Old Age Homes and submit their reports as to whether the aims and objectives of the Integrated Scheme for Older

Persons, dated 6th September, 2012, have been achieved or not; and whether efforts have been made to improve the quality of life and dignity of older persons.

6. The reports of the Secretaries of various District Legal Services Authorities have been received, who have given various observations. The petitioner may compile all such suggestions and in addition, may make any further suggestion(s) that she wishes to make and provide a copy of the same to the learned Advocate General, who may get the same examined and file an action taken report on such suggestions on or before the next date.

CWP No. 1563 of 2020

7. As regards the issue raised in this writ petition, this Court has compared the Central Act (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007) and the State Act (The Himachal Pradesh Maintenance of Parents and Dependents Act, 2001) and finds the Central Act more comprehensive and much more beneficial to the old aged persons, yet the State Government has not so far notified the Central Act in the State of Himachal Pradesh.

8. We, therefore, direct the State Government to

-: 5 :-

examine the Central enactment in consultation with the Experts and take an appropriate decision as to why the Central enactment may not be notified in the State of Himachal Pradesh.

9. The decision taken by the State Government shall be apprised to the Court on or before the next date.

10. Matters to come up on **30th March, 2022**.

(Mohammad Rafiq)
Chief Justice

(Jyotsna Rewal Dua)
Judge

December 20, 2021
(rajni)