

RIGHT TO SERVICE: SPECIAL CONSIDERATION TO SENIOR CITIZENS

ABIDHA BEEGUM V. S

Assistant Professor, Department of Law, Aligarh Muslim University, Malappuram, Kerala, India

ABSTRACT

Right to service is an essential service available to all citizens irrespective of their age, caste, race and class etc. But in the case of senior citizens, by considering their weakness, a special consideration and protection can be given. Even the Constitution of India addressing this privileged group to a certain extent. More consideration is given by Ministry of Social Justice and Empowerment, National Council for Older Persons, Ministry of Rural Development, Ministry of Finance and Union Budgets, Ministry of Health and Family Welfare etc. So this paper trying to address the real problems of senior citizens in the light of Kerala Right to Service Act and looking for sufficient consideration in this regard.

KEYWORDS: Right to Service Act, Senior Citizens, Constitution of India, Weaker Section, Citizens Charter, Essential Services

INTRODUCTION

Right to get service from offices and other organization is one of the important right as far as citizens concerned. Generally officials in the government offices, keep on dragging the files of general public. Because of this harassment, people will choose another ways to get their work done. Hence bribery or other sort of influences will be adopted by the people for their easy availability of services. In this scenario, Right to Service legislations are meant to reduce corruption among the government officials and to increase transparency and public accountability.

“A customer is the most important visitor on our premises. He is not dependent on us; we are dependent on him. He is not an interruption on our work; he is the, purpose of it. He is not an outsider on our business; he is part of it. We are not doing him a favour by serving him; he is doing a favour by giving us an opportunity to do so”.

- Mahatma Gandhi

Right to Service Enactments

Several efforts have been made in the past for strengthening and improving the Public Service delivery mechanism. Citizens' Charters and the Right to Information is very important in this regard. The essential services like ration card, passport, water and electricity charges, birth/death certificate registration, registration certificate of vehicles, physical fitness certificates etc. will come under the ambit of right to service legislation. Various states enacted and some states notified right to service legislations.

The West Bengal Right to Public Services Act, 2013 is an important legislation in this regard. The right of the citizen has been put first through mechanism charted in the Act, and Rules made there under for clear identification of the services, authorities responsible for delivering such services within the bureaucratic hierarchy, and accountability of its different layers. While understanding the actual effects of existing legislation, it is difficult to measure the service given to

senior citizens and other weaker sections of the public such as women and children etc. They should get sufficient consideration for availing the service from public offices and departments.

In 1991, the UK government first articulated and implemented a Citizen's Charter to provide quality services within specified time frames to its citizens.

On 24 May, 1997, a conference was held by chief ministers from various states of India and chaired by the country's Prime Minister, during which an "Action Plan for Effective and Responsive Government" was adopted at the Centre and State levels. The central department of administrative reforms and public grievances (DARPG) took on the whereby there neglect in quality service delivery is a punishable offense¹.

The Act covers all Departments, Directorates and their Sub-ordinate offices, Local Bodies, Authorities, Corporations and Companies (PSUs). All such Public Authorities shall designate an officer responsible for providing the specific service. It shall also designate an Appellate Officer and a Reviewing Officer. A citizen shall approach the Designated Officer for obtaining the service and shall file an appeal to the Appellate Officer in case of default or delay in getting the service. The Act also has provision for the West Bengal Right to Public Service Commission. If the citizen is not provided the specific service within the prescribed time period, the concerned Government employee may be penalised. There is also a provision for providing cash incentive and certificate of appreciation to Government employees against whom no default is reported in a financial year.

An Analysis of Kerala Right to Service Act, and its Shortcomings

The Kerala State Right to Service Act, 2012 came into force on the 1 November 2012. It provides effective, time-bound redress of grievances of citizens, delivery of services to the public and making government servants liable in case of default. Through the introduction of bill, the government servants are made answerable in terms of their functions, duties, commitments and obligations towards the people. The Bill provides two-tier appellate system to redress grievances. Section 5 of the Bill underlines the duty of the designated officer, who on receipt of an application for service, will provide it or reject the application within the time limit, counted from the day the application is received. In case of rejection, the officer should justify it in writing. The designated officer is liable to pay a fine not less than Rs. 500 and not more than Rs. 5,000 in case of breach of terms of the bill. Section 3 of the Bill says every government department, Head of the department, local self-government institution and statutory body should, within six months of the commencement of the Act, notify the services that will be rendered by each of them and the designated officers for providing services and the stipulated time limit for doing so. The Bill lays down the procedures for filing appeals and the method of handling appeals by the first and second appellate authorities. The two appellate authorities will have the powers of civil court in matters of requiring production and inspection of documents, issuing summons for hearing the designated officer and the appellant and any other matter that may be prescribed².

For strengthening the theory and practice of public service guarantee laws, there is a need to create awareness among citizens about their right to a timely service. Such awareness will make the Act binding on the service-providers. Also, the use of PPP (public and private partnership)-based business models for providing services and use of ICT (Information and communication technology)-based tools for tracking and monitoring service delivery can bring about

¹ indiagovernance.gov.in/bestpractices.php?id=528 viewed on 05. 03. 2013

² [www.kerala.gov.in/index.php?option...right-to-service](http://www.kerala.gov.in/index.php?option=com_content&view=article&id=123&Itemid=123) viewed on 10. 03. 2013

transparency, accountability and efficiency which will make it easier to deliver services on time as well as help in quick identification of faulty individuals/departments³.

Senior Citizens and Kerala Right to Service Act

For the protection of service rights of citizen the Kerala Right to service Act, 2012 is sufficient to certain extent. Even though, this Act is not addressing the problem faced by senior citizens in government offices for some sort of essential services. This situation is because of the reason that, in most of the houses all the members of the family may be working abroad or working with IT offices. So it is implied that, the duty of all house hold activities and external matters may be vested upon the aged/ retired parents. But how far their issues are addressed in India? Therefore this paper try to focus on the service rights available to the senior citizens, women and so on. The existing legislations in India is not sufficiently addressing the issue in the real sense.

BENEFITS GIVEN TO SENIOR CITIZENS IN INDIA THROUGH VARIOUS LAWS

- **Under Indian Constitution**

The protection given to senior citizens are

- Entry 24 in list III of schedule VII deals with the “Welfare of Labour, including conditions of work, provident funds, liability for workmen’s compensation, invalidity and Old age pension and maternity benefits.
- Item No. 9 of the State List and item 20, 23 and 24 of Concurrent List relates to old age pension, social security and social insurance, and economic and social planning.
- Article 41 of Directive Principles of State Policy has particular relevance to Old Age Social Security. According to this Article, “the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of undeserved want”.

- **Ministry of Social Justice & Empowerment**

Ministry of Social Justice & Empowerment has announced the National Policy on Older Persons which seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored and marginalized. The National Policy aims to strengthen their legitimate place in the society and to help older people to live the last phase of their life with purpose, dignity and peace. The National Policy on Older Persons inter alia visualizes support for financial security, health care and nutrition, shelter, emphasis upon education, training and information needs, provision of appropriate concessions, rebates and discounts etc. to Senior Citizens and special attention to protect and strengthen their legal rights such as to safeguard their life and property⁴.

- **A National Council for Older Persons (NCOP)**

It has been constituted by the Ministry of Social Justice and Empowerment to operationalize the National Policy on Older Persons. The Ministry has also written to all the Ministries/State Governments concerned for adopting a uniform age of 60 years for conferring the status of senior citizen to a person and for extending facilities/concessions to them. The Ministry is also implementing so many schemes for the benefit of Senior Citizens.

³ Implementing the Right to Public Service Act, Sapna Kedia

⁴ The National Policy on Older Persons confers the status of senior citizen to a person who has attained the age of 60 years.

- **Ministry of Rural Development**

Under the National Old Age Pension Scheme, Central Assistance of Rs. 75/- p.m. is granted to destitute older persons above 65 years. This Scheme has been transferred to the State Plan w.e.f. 2002-03. Under the Annapurna Scheme, free food grains (wheat or rice) up to 10 kg. per month are provided to destitute older persons 65 years or above who are otherwise eligible for old age pension but are not receiving it.

- **Ministry of Finance & Union Budget 2011-12**

It does not hold much promise for senior citizens, though Finance Minister Pranab Mukherjee announced the following measures for senior citizens:

- Reduction of the qualifying age to 60 years from 65 years,
- Enhancing exemption limit to Rs2.50 lakh from Rs2.40 lakh
- And creating a new category of 'very senior citizens', 80 years and above, who will be eligible for a higher exemption limit of Rs 5 lakh.
- Section 88 of Finance Act, 1992, provides income tax rebate of up to Rs.15,000 or actual tax whichever is less to senior citizens who have attained the age of 65 years at any time during the relevant previous year.

- **Ministry of Health & Family Welfare**

The Ministry has issued instructions to all State Governments to provide for separate queues for older persons in hospitals for registration and clinical examination.

- **Ministry of Railways & Railways Budget 2010-2011**

Senior Citizens concession to be hiked from 30 % to 40 % this year. Previously Indian Railways provide 30% concession in all classes and trains including Rajdhani / Shatabadi trains for both males and females aged 60 years and above. Indian Railways also have the facility of separate counters for Senior Citizens for purchase/booking or cancellation of tickets.

CONCLUSIONS

Hence it is evident that, senior citizens are privileged groups deserving all such protection above the age of sixty years. Therefore under Right to Service enactments sufficient representation should be given to this weaker section by considering their physical and mental disability, which can be a matter of human right consideration.

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