

Bill No. 161 of 2022

THE PROTECTION OF RIGHTS OF WIDOWS AND SINGLE WOMEN
AND ABOLISHMENT OF WIDOWHOOD PRACTICES BILL, 2022

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

*to provide for protection to widows and single women and to abolish the
practices of widowhood in India and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Protection of Rights of Widows and Single Women and Abolishment of Widowhood Practices Act, 2022.

5 (2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “abandoned widow” means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependant children, if any;

(b) “appropriate Government” means in the case of a State the Government of that State and in all other cases, the Central Government; 5

(c) “widow” means a legally married women whose husband has died.

(d) “Board” means the Widows and Single Women’s Rights and Abolishment of Widowhood Practices Board established under section 3;

(e) “distressed” in relation to a widow means any widow who lives uncared for and has become inform due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependant children, if any; 10

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “single woman” means an adult female who is either a divorcee, judicially separated from her spouse or has been abandoned by her spouse. 15

Establishment of the Widows and Single Women’s Rights and Abolishment of Widowhood Practices Board.

3. (1) **The Central Government, shall, within six months from the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Widows and Single Women’s Rights and Abolishment of Widowhood Practices Board for carrying out the purposes of this Act.** 20

(2) **The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.**

(3) **The headquarter of the Board shall be at Mumbai in the State of Maharashtra and the Board shall establish its branches in all other States and Union territories at conspicuous places as the Board may deem fit and necessary.** 25

Composition of the Board.

4. (1) **The Board shall consist of —**

(a) **the Chairperson, *ex-officio*, who shall be Minister in-charge of the Union Ministry of Women and Child Development.** 30

(b) **a Vice-Chairperson, preferably a widow or a single woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;**

(c) **ten women Members five each from the House of the People and the Council of States to be nominated by the respective Presiding Officers of respected Houses;** 35

(d) **two officers not below the rank of Joint Secretary in the Union Ministry dealing with the administration of this Act to be appointed by the Central Government;**

(e) not more than eight members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States;

5 (f) **three members from amongst the Non-Government Organizations working for the welfare of widows and single women to be appointed by the Central Government in such manner as may be prescribed; and**

(g) six members representing Union Ministries of Women and Child Development, Home Affairs, Education, Health and Family Welfare, Finance and Social Justice and Empowerment to be appointed by the Central Government.

10 (2) The Board shall follow such procedure in discharge of its agenda and hold meetings in such manner as may be prescribed.

(3) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

15 (4) The salary and allowances payable to, and other terms and conditions of service of the Vice-Chairperson and other members shall be such as may be prescribed.

5. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, including rehabilitation for the distressed widows and single women who are in dire need of such measures.

Functions of the Board.

20 (2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall,—

(a) conduct a survey to ascertain the number of widows and single women across the country;

25 (b) maintain district-wise register of the widows and single women with such particulars and in such manner as may be prescribed;

(c) collect and get verified the antecedents of every widow and single woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

30 (d) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act;

(e) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the women covered under this Act to avail them; and

35 (f) perform such other functions as may be assigned to it from time to time.

6. (1) **On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows covered under this Act, the following facilities, namely:—**

Facilities to be provided to widows and single women.

40 (a) **subsistence allowance of rupees ten thousand per month in case the widow is infirm and destitute or is having one or more dependant children or rupees five thousand per month in case she has not dependant child;**

(b) residential accommodation free of cost wherever necessary;

(c) free education including technical education to the dependant children of the widows;

(d) gainful employment as per the physical condition after imparting vocational training wherever possible; 5

(e) free medical care with medicines and with indoor and outdoor facilities as may be required;

(f) financial assistance for rehabilitation like self-employment wherever required;

(g) free legal aid in case the widow has been thrown out or abandoned by her kith and kin; and 10

(h) such other facilities, as may be necessary for the rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such widow gets employment or remarries, as the case may be: 15

Provided further that a widow residing with her in-laws or parents according to custom or due to other circumstances shall not be denied the facilities under this Act on this ground. 20

(2) The costs incurred by the appropriate Government on providing the facilities under this Act to the widows covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 7.

Establishment
of the National
Distressed
Widows and
Single Women
Rehabilitation
and Welfare
Fund.

7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Distressed Widows and Single Women Rehabilitation and Welfare Fund with an initial corpus of rupees fifty thousand crores for carrying out the purposes of this Act. 25

(2) The Fund shall be administered by the Board in such manner as may be prescribed.

(3) The Fund established under sub-section (1) shall consist of all receipts from— 30

(a) the Central Government and Governments of the States and Union territories and their institutions and organisations;

(b) body corporates, both public and private sector and Banks and financial institutions both domestic and foreign; and 35

(c) individuals, associations and others in the form of contributions or donations.

8. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall,—

Protective provisions.

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be or where such widow or single woman was last residing;

5 (b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be; or

(c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow or single woman, as the case may be.

10 9. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall not be subjected to,—

Additional Protective Provisions

(a) the wiping of her kumkum;

(b) snatching away of her mangalsutra;

(c) forcibly banging her hands in order to break her bangles;

15 (d) being banned from participating in festivals, marriages, or any christening ceremonies etc;

(e) being banned from wearing colourful clothes; and

(f) any other such acts by society which perpetuate the practices of widowhood.

20 **10. (1) The appropriate Government shall, by notification in the Official Gazette, set up a monitoring committee at the local level to ensure that regressive widowhood practices are not being perpetuated in the country.**

Setting up of Monitoring Committee at a Local Level.

(2) the monitoring committee set up under sub-section (1) shall in the country have fifty per cent. women as members of which half of them shall be widows and single women.

25 (3) the monitoring committee shall ensure that widows and single women are not being subjected to discriminatory practices, and are provided aid in the case she is being subjected to discriminatory practices in such manner as may be prescribed.

11. The Appropriate Government shall take all measures to ensure that,—

Awareness Provisions.

30 (a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;

(b) the provisions of this Act are disseminated and displayed in public areas in an accessible manner; and

(c) the provisions to reduce the stigma associated with widowhood are implemented in an effective manner;

35 **12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.**

Central Government to provide fund.

Act to have
Overriding
Effect.

13. The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make
rules.

14. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 5

(2) Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that they should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule. 10

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature. 15

STATEMENT OF OBJECTS AND REASONS

According to the United Nations, India is home to approximately 42 million widows. In addition to this, India is also home to 2.3 million abandoned or separated women, according to the 2011 Census. Widows specifically, are subjected to discrimination and regressive customs after the deaths of their husbands, such as ostracism, being banned from social and religious events, etc. However, both widows and single women often bear the same brunt of economic exclusion. These practices include being evicted from the home of their in-laws, being barred from receiving their share of inheritance, being kept away from jointly owned property, and being denied any form of maintenance.

Owing to the aforementioned practices, it becomes extremely difficult for widows and single women to eke out a living following the death or abandonment of their husbands. Not only are they often left without a home, but they are also left without a means to support themselves and their children. In many cases, since the widow or single women was completely financially dependent on the husband and the in laws, it is extremely difficult for them to find gainful employment. This existing ecosystem of neglect leads to millions of widows and single women being pushed into poverty, unable to guarantee a healthy life for themselves, and for their dependant children.

As a Welfare State, it is imperative for India to safeguard the rights of these women, and to work towards a more equitable, accepting, and progressive society for them. It is necessary that an authority is created to ensure that the financial needs, housing needs, employment needs, and educational needs of destitute, ailing, and abandoned widows and single women are taken care of. In addition to this, the authority must take concerted steps in order to eliminate the regressive practices of widowhood through educational social change.

Hence this Bill.

NEW DELHI;
1 July, 2022.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Board for Widows and Single Women's Rights and Abolishment of Widowhood Practices. Clause 4 provides for the composition of the Board. Clause 6 provides for facilities to be provided to widows and single women. Clause 7 provides for establishment of National Distressed Widows and Single Women Rehabilitation and Welfare Fund. Clause 10 provides for setting up of a Monitoring Committee at local level. Clause 11 provides that the appropriate Government shall take all measures for wide publicity of the provisions of the Act. Clause 12 provides that Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand crore approximately is likely to be involved.

A non-recurring expenditure of rupees fifteen hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

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