

**Bill No. 200 of 2022**

THE HOUSING FACILITY FOR DESTITUTE SENIOR  
CITIZENS, WIDOWS AND ORPHAN  
CHILDREN BILL, 2022

By

DR. T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN, M.P.

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BILL

*to provide for housing facility to destitute senior citizens, widows and orphan  
children and for matters connected therewith.*

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

1. (1) This Act may be called the Housing Facility For Destitute Senior Citizens, Widows and Orphan Children Act, 2022.

Short title, extent  
and  
commencement..

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "destitute senior citizen" means any person who has attained the age of sixty years and has no facility for shelter or has no relative to take care of and provide shelter to him;

(c) "Fund" means the Destitute Senior Citizens, Widows and Orphan Children Welfare Fund constituted under section 9;

(d) "orphan" means a child who is below fourteen years of age and has no parents or willing and capable legal guardian or other relatives to take care of him; 5

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "widow" means any woman who has not remarried after the death of her husband and who does not have any facility for shelter.

National Policy for housing for destitute senior citizens, widows and orphans.

3. The Central Government shall, as soon as possible, by notification in the Official Gazette, frame a national policy for providing housing facilities to the destitute senior citizens, widows and orphans. 10

Establishment of residential centres.

4. (1) The appropriate Government shall establish residential centres for the destitute senior citizens, widows and orphans.

(2) Every residential centre shall have the capacity of minimum eighty and maximum two hundred persons to live in at a time. 15

(3) Every residential centre shall be arranged in such a way to accommodate two orphans, one senior citizen and one widow in one unit.

Residential centres to have proper facilities for the beneficiaries.

5. The appropriate Government shall—

(a) provide housing, food, water, medicine, security and the minimum resources necessary to lead a balanced and healthy life in every residential centre; 20

(b) ensure utilization of Government schemes running in the area for necessary resources, education, health and food in every residential centre;

(c) ensure easy access to every person eligible person to reside in the residential centre; 25

(d) make efforts to develop mutually dependent relation for residents living in residential centre to lead a mutually humanitarian, emotional, safe and happy life; and

(e) formulate policy for setting up domestic production unit for employment generation in every residential centre. 30

Constitution of Management Committee.

6. (1) The appropriate Government shall, by notification in the Official Gazette, constitute a Managing Committee to monitor, supervise and coordinate the functioning of the residential centres established under section 4.

(2) The Management Committee shall consist of—

(i) the Chairperson of the local body, *ex-officio*, Chairperson; 35

(ii) a public servant, *ex-officio*, member;

(iii) a senior-most senior citizen from the residential centre, member;

(iv) an oldest widow from the residential centre, member; and

(v) an eminent social worker, member;

to be nominated by the appropriate Government in such manner as may be prescribed. 40

(3) The appropriate Government shall appoint such number of staff for the residential centres as may be prescribed, from time to time.

**(4) The salary and allowances payable to and other term and conditions of service of Chairperson, members other than *ex-officio* and staff of the Managing Committee and the procedure to be followed in the discharge of its functions shall be such as may be prescribed.**

- 5           7. It shall be the duty of the appropriate Government to implement the national policy formulated under section 3. Implementation of the policy by the appropriate Government.
- 8. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Destitute Senior Citizens, Widows and Orphan Children Welfare Fund for carrying out the purposes of this Act.** Constitution of Destitute Senior Citizens, Widows and Orphan Children Welfare Fund.
- 10           **(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.**
- (3) The Fund shall be utilized for providing facilities to the residents of residential centres.**
- 15           9. The appropriate Government shall review the quality and progress of residential centres established under section 4 in such manner as may be prescribed. Appropriate Government to review the quality and progress of residential centres.
- 10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.** Central Government to provide requisite funds.
- 20           11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act. Act not in derogation of any other law.
- 12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.** Power to make rules.
- 25           (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 Parliament, 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 the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree
- 30           that the rule 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 that rule.
- 35           (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.

## STATEMENT OF OBJECTS AND REASONS

During the last one decade the old age population in India has risen by 39.3 per cent. This segment of population is expected to rise by 45-50 per cent. in the coming decades. Because of continuous replacing of joint families by nuclear families due to ongoing trend and continuous migration the old aged persons have to suffer from several problems including loneliness. There are more than a thousand old age homes but their situations and problems could not be improved and sorted out permanently. In similar ways, there are a large number of widows in the country who face discrimination not only on family front but on social front also. In a number of cases, they do not have shelter and other necessary assistance to lead a dignified life. Now-a-days there is a need to create a total and conducive environment whereby they could spend rest of their life in a productive and happy manner. In addition to this, there is a large section of population of orphan kids who do not have any shelter and are living a destitute life. Most of these kids are engaged as child labour or have fallen prey to drug addiction, some are addicted to drugs, some are involved in flesh trade or illegal trafficking.

There is need to provide an integrated provision in this regard so that these three socially neglected classes could be brought under one roof where these three can line as one family. Widow shall play role of mother to orphan kids and neglected old age person play a role of guardian to these two. By this, a familial environment will be provided for these three classes.

The Bill seeks to establish residential centres for destitute senior citizens, widows and orphans along with shelter, food, clothes and other basic facilities of life to lead a dignified humanitarian, emotional, safe and happy life based on mutually supported relation. The most important objective behind the establishment of the centre is that the widow house, senior citizen house and orphanage established with different methods in the country shall be brought under one roof.

Hence this Bill.

NEW DELHI;  
06 July, 2022

T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of the residential centres all over the country for use of the destitute senior citizens, widows and orphans. Clause 5 provides that appropriate Government shall ensure residential centres to have proper basic facilities to the beneficiaries. Clause 6 provides for constitution of Management Committee to monitor, supervise and coordinate the functioning of the residential centres. Clause 8 provides for constitution of a Destitute Senior Citizens, Widows and Orphan Children Welfare Fund. Clause 10 provides that Central Government shall provide adequate 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 a sum of rupees one thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

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

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 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 detail only, the delegation of legislative power is of a normal character.

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