

Bill No. 25 of 2022

THE WIDOWS (PROTECTION AND WELFARE) BILL, 2022

By

SHRI BENNY BEHANAN, M.P.

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BILL

to provide for the protective measures with need based rehabilitation and welfare to be undertaken by the Government for the distressed, infirm, neglected, and disowned widows by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and for matters connected therewith or incidental thereto.

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 Widows (Protection and Welfare) Act, 2022.

Short title,
extent and
commencement.

(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) “disowned 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 dependent children, if any; 5

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

(c) “Board” means the Widows Welfare Board established under section 3; 10

(d) “distressed” in relation to a widow means any widow who lives uncared for and has become infirm 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 dependent children, if any; 15

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

(f) “widow” means a legally married woman whose husband has died.

Establishment
of the Widows
Welfare Board.

3. (1) **The Central Government, shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Widows Welfare 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.** 25

(3) **The headquarter of the Board shall be at Chalakudi in the State of Kerala 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.** 30

(4) **The Board shall consist of:—**

(a) **the Union Minister of Women and Child Development who shall be the chairperson *ex-officio*;**

(b) **a Deputy Chairperson, preferably a woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;** 35

(c) **one member representing with such qualification, as may be prescribed, to be appointed by the Central Government;**

(d) **ten women Members from both the Houses of the People and the Council of States, to be nominated by the respective Presiding Officers of each House;** 40

(e) six members representing Union Ministries of Women and Child Development, Home Affairs, Education, Health and Family Welfare, Finance and Social Justice and Empowerment;

5 **(f) 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;**

10 **(g) two members to be appointed by the Central Government from amongst the registered non-Governmental Organisations (NGOs) working for the welfare of distressed widows, or single women , as the case may be.**

(5) The salary and allowances payable to, and other terms and conditions of the Deputy Chairperson and members of the Board shall be such as may be prescribed.

15 **(6) The Board shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.**

(7) The Board shall have a Secretariat consisting of a Member Secretary and such number of officers, and employees as may be prescribed.

20 **(8) The salary and allowances payable to, and other terms and conditions of service of Member Secretary, officers and employees shall be such as may be prescribed.**

25 **4. (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 who are in dire need of such measures.**

Functions of
the Board.

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

30 **(a) maintain district-wise register of the abandoned, disowned and distressed widows covered under this Act who are to be rehabilitated and are in need of assistance from the Board with such particulars and details and in such manner as may be prescribed;**

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

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

40 **(d) 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**

(e) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

Constitution of National Distressed Widows Rehabilitation and Welfare Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Distressed Widows Rehabilitation and Welfare Fund with an initial corpus of rupees fifty thousand crore for carrying out the purposes of this Act. 5

(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— 10

(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 15

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

Facilities to be provided by the appropriate Government.

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:— 20

(a) monthly subsistence allowance of not less than fifteen thousand rupees if the widow is having any dependent children and not less than ten thousand rupees in case she has no dependent children to support;

(b) residential accommodation free of cost wherever necessary;

(c) free medical care with medicines and with indoor and outdoor facilities as may be required; 25

(d) free education to the dependent children as per their talent including higher, medical, engineering and education in such manner as may be prescribed;

(e) gainful employment as per the physical condition after imparting vocational training wherever possible; 30

(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 35

(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 either gets married, remarried, gainfully employed or taken back by her kith and kin in the family, the facilities being provided to her shall be withdrawn by the appropriate Government. 40

(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 5.

5 **7.** Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow 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 was last residing;

10 (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.

15 **8. (1) The appropriate Government shall establish such number of hostels at conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for boarding and lodging of abandoned and disowned and distressed widows covered under this Act with necessary facilities of daily life as may be prescribed.**

Establishment of hostels.

20 **(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment for the residents of the hostels established under sub-section (1):**

Provided that widows living in such hostels shall not be entitled to maintenance allowance.

25 **9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the State Governments, Union territories and the Board, from time to time for carrying out the purposes of this Act.**

Central Government to provide requisite funds.

30 **10.** The Board shall prepare an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act and submit it to the President of India who shall cause the report to be laid before both the the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

Annual report to the Board.

35 **11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after expiry of three years from the date of commencement of this Act.

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

Act to have overriding effect.

Act to supplement other laws.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows covered under this Act.

Power to make rules.

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

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(2) Every rule made under this Act 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.

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STATEMENT OF OBJECTS AND REASONS

In our country, world's second most populous nation, there are millions of unfortunate and helpless women who lose their husbands during their lifetime and become widows. More than fifty per cent of these widows are old, infirm suffering from various diseases, physical deformity or mental imbalance particularly belonging to poor and middle class families who live uncared for and neglected by their near and dear ones and most of them are without independent and adequate means of livelihood and roof over their heads. It is very common that when a widow does not have any permanent source of income or livelihood she is driven out of her in-laws home or even from her parental home. Their problems increase manifold due to poverty and other compelling reasons where they have no other option but to go for begging for survival and many such widows can be seen begging in the streets and public places. Several women who become widows in their youth. Many of such widows work as housemaids and take up other jobs for survival. Many widows take shelter in old age homes but their number is lawfully very short. Their miseries increase when they have dependent children to support and bring up. They too need protective umbrella.

It is therefore imperative to establish an authority to exclusively take care of such widows throughout the country.

Hence this Bill.

NEW DELHI;
November 26, 2021.

BENNY BEHANAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Widows Welfare Board. Clause 5 provides for the establishment of National Distressed Widows Rehabilitation and Welfare Fund with initial corpus of rupee fifty thousand crore to be provided by the Central Government. Clause 6 provides for financial assistance and other facilities for widows. Clause 8 provides for establishment of hostels. Clause 9 makes it mandatory for the Central Government to provide requisite and adequate funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupees One Hundred crore , it is estimated that a sum of rupees Thirty Six crore may involve as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central 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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