

Bill No. 310 of 2019

THE DESTITUTE AND NEGLECTED WOMEN
(WELFARE) BILL, 2019

By

SHRI BENNY BEHANAN, M.P.

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BILL

to provide for the maintenance and welfare measures to be undertaken by the State for the destitute, neglected, old, infirm or physically challenged widow, divorcee or unmarried women through establishment of an Authority and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Destitute and Neglected Women (Welfare) Act, 2019.

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

Short title and
commence-
ment.

Definitions.

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

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

(b) "Authority" means the Destitute and Neglected Women Welfare Authority established under section 3; 5

(c) "destitute woman" means a widow, divorcee or unmarried woman who has no relative or kinsmen to support her or who has no independent and adequate source of livelihood including the livelihood to her minor children and includes a woman stricken with infirmity owing to old age, physical deformity, ailment, mental imbalance and who lives uncared for; 10

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

(e) "widow" means a legally wedded female whose husband has died.

Establishment
of Destitute
and Neglected
Women
Welfare
Authority.

3. (1) **The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an authority to be known as the Destitute and Neglected Women Welfare Authority to exercise the powers conferred on, and to perform the functions assigned to it under this Act.** 15

(2) **The Authority 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 headquarters of the Authority shall be at Cochin in the State of Kerala and the Authority shall establish its branches in all the States and Union territories at such places as may be prescribed.** 20

(4) **The Authority shall have a Secretariat with such number of officers and employees, with such terms and conditions of service as may be prescribed, for the efficient functioning of the Authority.** 25

(5) **The Authority shall consist of—**

(a) **the Union Minister of Social Justice and Empowerment who shall be Chairperson, *ex-officio*;**

(b) **a Vice Chairperson preferably a woman with such qualifications as may be prescribed to be appointed by the Central Government;** 30

(c) **three members of Parliament of whom two shall be from the Lok Sabha and one from the Rajya Sabha to be nominated by the respective Presiding Officer of each House;**

(d) **two members representing the Union Ministries of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government;** 35

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

(f) **four members to be appointed by Central Government from amongst the Non-Governmental Organizations working for destitute or neglected women or widows.** 40

(6) **The salary and allowances payable to and other terms and conditions of the service of Deputy Chairperson and members of the Authority and officers and employees of the Secretariat of the Authority shall be such, as may be prescribed.** 45

Functions of
the Authority.

4. (1) **It shall be the duty of the Authority to promote by such measures, as it thinks fit, for welfare of destitute or neglected women or widows.**

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

5 (a) maintain district-wise register of destitute or neglected women or widows who are in need of assistance from the Authority with such details and in such manner as may be prescribed;

(b) work out plans and formulate schemes for the welfare of destitute or neglected women or widows covered under this Act;

(c) **give wide publicity through the electronic and print media about the welfare measures being undertaken by the Authority; and**

10 (d) 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.

5. The appropriate Government shall, on the recommendation of the Authority, provide to the women covered under this Act, the following facilities, namely:—

Facilities to be provided by appropriate Government.

15 (a) **monthly allowance of two thousand rupees, if the woman is having any dependent children and rupees one thousand and five hundred in case she has no dependent child, as subsistence allowance;**

(b) **free medical aid;**

(c) **free education including technical education to dependent children;**

(d) **free residential accommodation wherever necessary;**

20 (e) **gainful employment after imparting vocational education; and**

(f) **such other facilities, as may be necessary, for her rehabilitation, proper development and for maintaining a respectable life in the society:**

25 **Provided that if any woman covered under this Act either gets gainful employment or remarries, all the facilities provided to her and to her dependent in accordance with the provisions of this Act, shall be withdrawn from the date of gainful employment or remarriage, as the case may be.**

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide adequate funds to the Authority, for carrying out the purposes of this Act.

Central Government to provide Funds.

30 **7. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to women covered under this Act.**

Act to have overriding effect.

35 **8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

Power to make rules.

40 (2) Every rule made under this Act 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 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.

STATEMENT OF OBJECTS AND REASONS

Quite a large number of women in our country particularly those belonging to lower and middle income groups or classes of the society become destitute after the death of their husbands who do not leave adult sons behind them or are divorced women or unmarried women either neglected by their families or being lonely have no means to support them. Many of them work as housemaids for their survival and to support the children if they have the ones. But even this is not possible for the infirm, old, physically or mentally challenged women who mostly survive on begging. Many women are forced into flesh trade and become sex workers to avoid starvation, which makes their lives disgraceful. The position of destitute women is more awful in rural area because being illiterate they are exploited to the extent possible.

It is expedient to liquidate the exploitation of the destitute, neglected women or widows in a welfare State like ours and provide financial assistance and other necessary facilities to such women so that they live honorably in the society. For this purpose and Authority should be established to ensure that the conditions of destitute, neglected women or widows should not become so miserable due to poverty which may enable the unscrupulous elements of the society to exploit the situation and make their lives disgraceful in the Society.

Hence this Bill.

NEW DELHI;
November 5, 2019.

BENNY BEHANAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Destitute and Neglected Women Welfare Authority. Clause 4 provides for giving wide publicity through electronic and print media about the welfare measures undertaken by the Authority. Clause 5 provides for certain facilities to the destitute and neglected women. Clause 6 provides that Central Government shall provide requisite funds to the Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(Shri Benny Behanan, M.P.)