

**Bill No. LXXX of 2022**

THE MAA MAMATA (ORPHAN'S WELFARE) SCHEME BILL, 2022

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BILL

*to provide for social security to orphan children, to ensure proper upbringing of the orphan child, to ensure a bright future for the child 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 Maa Mamata Act, 2022.

Short title and commencement.

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

Definitions.

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

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

10 (c) “orphan child” means any child below eighteen years of age, who has lost both of his biological parents and registered in Central Registry of orphans as created under section 9 of the Act;

(d) “Registry” means the Central Registry of Orphans established under section 9 of this Act;

(e) “Scheme” means the Maa Mamta Scheme as formulated under section 3 of the Act; and

(f) “social security” means provision of food, shelter, education, healthcare, job reservation quota, establishment of recreation centers and other amenities necessary for the welfare of orphan child. 5

Maa Mamta Scheme.

**3. (1) The Central Government shall formulate a scheme to be known as “Maa Mamata Scheme” to provide social security to all orphan children and to ensure healthy upbringing at par with those children with biological parents and also ensure protection from exploitation and ill treatment so as to ensure peaceful life thereon.** 10

**(2) The appropriate Government shall provide every orphan child under the Scheme—**

**(i) a Bank account and deposit such monthly amount as may be prescribed, which shall be handed over to the child on attaining eighteen years of age;**

**(ii) Free education;** 15

**(iii) Free medical and health care facilities;**

**(iv) Free food, lodging and clothing;**

**(v) Free travel by road, railways or by air;**

**(vi) Free sports facilities; and**

**(vii) Free legal assistance.** 20

Establishment of orphan homes.

**4. The appropriate Government may establish and maintain orphan homes at accessible places in each district which shall have such facilities as may be prescribed for orphan child.**

Measures for publicity, awareness for welfare of orphan child.

**5. The appropriate Government shall take all measures to create awareness amongst public about rights of orphan child and give wide publicity to the provisions of this Act by organizing seminars, symposia, lectures and conferences.** 25

Central Government to provide funds.

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

Act to have overriding effect.

**7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.** 30

Act not in derogation of other laws.

**8. 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 this Act.**

Central Registry for Orphans.

**9. (1) The Central Government shall establish maintain and operate a Registry to be known as the Central Registry for Orphans, for implementation of “Maa Mamta Scheme.”** 35

**(2) The Registry shall contain such details of every orphan child as may be prescribed.**

Power to make rules.

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

**(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** 40

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.

- 5 (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

An orphan child is deprived of love, care, respectable upbringing and security, which any child with biological parents naturally inherits.

2. An orphan child is the most deprived class of people both materially and emotionally. Hence, the Government of the day has to step in with motherly love, compassion and care for these children and formulate a "Maa Mamta Scheme".

3. The proposed Bill seeks to provide every such rightful needs that an orphan child will require to become a respectable contributing adult of the society.

4. Therefore, the Government should provide compulsory social security to the orphan child. There should also be provision for financial security, education, food lodging and clothing along with medical care for the orphan child and they should be given protection against ill-treatment and exploitation.

Hence, this Bill.

SHANTACHHETRI.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for social security to orphan child, monthly bank savings for child welfare in future, free education, food, clothing and lodging, medical and other healthcare facilities, free travel and free legal assistance may be provided to orphan child. Clause 4 provides for establishment of homes for orphan child. Clause 5 provides for measures for creating awareness among public about the rights of orphan child. Clause 6 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated fund of India.

It cannot be estimated at this stage as to how many orphan child will need assistance from the Central Government. However, an annual recurring expenditure of about rupees nine hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees seventy crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*(Shrimati Shanta Chhetri, M.P.)*