

Bill No. LXXX of 2010

THE DESTITUTE AND NEGLECTED WOMEN (WELFARE) BILL, 2010

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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 Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Destitute and Neglected Women (Welfare) Act, 2010.

(2) It extends to the whole of India.

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

Short title,
extent and
commence-
ment.

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) “authority” means the Destitute and Neglected Women Welfare Authority
10 established under Section 3;

(c) “destitute” in relation to a women who may be a widow, divorcee or unmarried means a women 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 dependent on her or any women stricken with infirmity owing to old age, physical deformity, ailment, mental imbalance and who lives uncared for; 5

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

(e) “widow” means an adult female human being whose husband has died after her legal marriage.

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 the Destitute and Neglected Women Welfare Authority for the purposes of this Act; 10

(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 headquarter of the Authority shall be at Chandigarh in the State of Punjab and the Authority shall establish its branches in all the States and Union Territories at such conspicuous places as may be prescribed; and 15

(4) The Authority shall have a Secretariat with such number of officers and employees, with such terms and conditions of service as may be necessary for the efficient functioning of the Authority as may be prescribed. 20

(5) The Authority shall consist of—

(a) the Minister of Women and Child Development of the Union Council of Ministers who shall be *ex-officio* Chairperson of the Board;

(b) a Deputy-Chairperson preferably a woman with such qualifications as may be prescribed to be appointed by the Central Government; 25

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

(d) three members representing the Union Ministry of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government; 30

(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 women or neglected women. 35

Functions of
the Authority.

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

(2) without prejudice to the generality of the provisions of sub-section (1) the Authority shall,— 40

(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; 45

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

(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 the women covered under this Act, the following facilities, namely:—

Facilities to be provided by appropriate Government.

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

(b) free medical aid and legal aid;

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

10 (d) free residential accommodation wherever necessary;

(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:

15 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 the gainful employment or remarriage, as the case may be.

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

Central Government to provide Funds.

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 over-riding effect.

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

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our Country, a large number of women particularly those belonging to lower and middle income groups of the society become destitute after the death of their husbands. Divorced women or unmarried women too are either neglected by their families or have no means to support them. In many cases, the widows are thrown out of the households. Many of them work as housemaids for their survival and to support their children. But even this is not possible for the infirm, old, physically or mentally challenged women and so they lead a miserable life and very often subsist on alms, which they get from begging. Sometimes they are forced into flesh trade and become sex workers to avoid starvation, which makes their lives disgraceful. The position of destitute women is more dreadful in rural areas, as being illiterate, they subjected to exploitation. It is expedient to stop the exploitation of the destitute, neglected women or widows in a welfare State like India and provide financial assistance and other essential facilities to such women so that they live honourably in the society. For this reason, a Destitute and Neglected Women Welfare Authority should be set up to ensure that the conditons of destitute, neglected women or widows should not become so miserable as may enable the unscrupulous elements of the society to exploit the situation.

Hence this Bill.

AVTAR SINGH KARIMPURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Destitute and Neglected Women Welfare Authority. Clause 5 provides for certain facilities to the destitute and neglected women. Clause 6 lays down that Central Government shall provide requisite funds. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum. Non recurring expenditure to the tune of one hundred crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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BILL

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(Shri Avtar Singh Karimpuri, M.P.)