

Bill No. II of 2016

THE DISTRESSED WIDOWS AND SINGLE WOMEN
(PROTECTION, REHABILITATION AND WELFARE)
BILL, 2016

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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, abandoned and disowned widows and single women by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and single women and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Distressed Widows and Single Women (Protection, Rehabilitation and Welfare) Act, 2016.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

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

Definitions.

10 (a) "abandoned and 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;

(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 Distressed Widows and Single Women Welfare Board established under section 3;

(d) "distressed" in relation to a widow and single women means any suffering widow or single woman 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;

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

(f) "single woman" means a female adult human being who is either not married or divorce or judicially separated from her spouse for the purposes of this Act;

(g) "widow" means a legally married women whose husband has died.

Establishment
of the
Distressed
Widows and
Single women
Welfare Board.

3. (1) The Central Government, shall, as soon as may be, but within six months after the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Distressed Widows and Single Women Welfare Board for carrying out the purposes of this Act.

(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.

(3) The head office of the Board shall be at Aurangabad in the State of Maharashtra 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.

(4) The Board shall consist of:—

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

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

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

(d) 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;

(e) five members representing Union Ministries of Home Affairs, Human Resource Development, Health and Family Welfare, Finance and Social Justice and Empowerment;

(f) not more than four 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;

(g) three members to be appointed by the Central Government from amongst the registered Non-Governmental Organisation (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 shall be such as may be prescribed.

(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, employees and establishments with such conditions of service, emoluments and perks, as may be prescribed or determined, from time to time, for the efficient functioning of the Secretariat of the Board.

5 **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, expedient, necessary and fit, including rehabilitation for the distressed widows and single women who are in dire need of such measures.

Functions of the Board.

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

(a) maintain district-wise register of the abandoned, disowned and distressed widows and single women 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;

15 **(b)** collect and get verified the antecedents of every widow and single woman 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 and single women covered under this Act and implement them in right earnest;

20 **(d)** conduct a special survey of the abandoned and disowned widows subsisting on alms as beggar or chanting bhajans in the temples of Mathura, Vrindavan and other parts of Uttar Pradesh and other parts of the country or who are languishing in temples as Devdasis in various parts of the country and formulate appropriate rehabilitation and reuniting with their families programmes for such widows and single women in such manner as may be prescribed;

25 **(e)** give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the widows and single women covered under this Act to avail them ; and

30 **(f)** 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.

35 **5. (1) With effect from such date, as the Central Government may, by notification in the official Gazette, specify in this behalf, there shall be established for the purposes of this Act, a fund with initial corpus of rupee fifty thousand crore through due appropriation made by Parliament to be called the National Distressed Widows and Single Women Rehabilitation and Welfare Fund to be operated by the competent Authority in consultation with the Board in such manner, as may be prescribed.**

Establishment of National Distressed Widows and Single women Rehabilitation and Welfare Fund.

(2) The fund established under Sub-section (1) shall consist of all receipts from—

40 **(a) The Central Government and Governments of the States and Union Territories and their institutions and organisations;**

(b) Body Corporates, both of public and private sector and Banks and financial institutions both domestic and foreign; and

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

45 **6. (1) On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows and single women covered under this Act, the following facilities, namely,**

Facilities to be provided by the appropriate Government.

50 **(a) monthly subsistence allowance of not less than five thousand rupees if the widow or the single woman, as the case may be, is having any dependent children and not less than three thousand rupees in case she has no children to support;**

(b) residential accommodation free of cost wherever necessary;

(c) free medical care with medicines and with indoor and outdoor facilities as per the need;

(d) free education to the dependent children including higher, medical, engineering and education as per the information technology calibre; 5

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

(f) financial assistance for rehabilitation like self employment wherever required;

(g) free legal aid in case the widow or single woman, as the case may be, has been thrown out or abandoned by her kith and kin; 10

(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 or single woman, as the case may be, 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. 15

(2) the costs incurred by the appropriate government on providing the facilities under this Act to the widows and single women covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 5. 20

Protective provisions.

7. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall,—

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be where such widow or single woman was last residing; 25

(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;

(c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow or single woman, as the case may be.

Establishment of hostels.

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 and single women covered under this Act with necessary facilities of daily life as may be prescribed. 30

(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): 35

Provided that residents of such old age homes shall not be entitled for subsistence allowance under this Act.

Central Government to provide requisite funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the States, Union Territories and the Board from time to time for carrying out the purposes of this Act. 40

Annual Report of the Board.

10. The Board shall submit an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act to the President of India who shall cause the Report to be laid before both the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received. 45

- 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.
- 5 **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.
- 10 **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 and single women covered under this Act.
- 14.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to remove difficulty.

Act to have overriding effect.

Act to supplement other laws.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our Country, worlds second most populous Nation, there are millions of unfortunate and hapless women who lose their husbands during their lifetime and become widows. Their number is nearly three percent of the total population of our Nation and more than fifty percent 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. Her position becomes more miserable if she has dependent children to support and bring up. Sometimes the condition of such widows become miserable and 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, in particular in rural and far off areas, are not only sexually exploited by their known ones and many a times forced into prostitution. At some places they are branded as witches and tortured even by their own kith and kin or others from the community. In our society even today they are treated as bad omen and are not allowed to attend or appear during auspicious occasions. Many of such widows work as housemaids and take up other jobs for survival. Large number of abandoned and disowned widows seek refuge in the temples of Mathura, Vrindavan in Uttar Pradesh and other parts of the Country where they chant bhajans or beg for their survival. Even devdasi system is still prevalent in some parts of the Country. Where hapless old and infirm devdasis languish in the temples. Many widows take shelter in old age homes but their number is awfully very short. Then there are quite a large number of single women in our Country. Some of them opt for not to marry because they have to support their families for various reasons such as to educate their siblings or for supporting families as there are no male bread earners or for the treatment of ailing parents etc. etc. It is very common that such women are deserted by their siblings once they get their education and settle in their lives. Since they spend their earnings on others they become penniless in their old age, particularly if they were employed in private sector. Then there are those single women who are either deserted by their husbands or who are legally separated or divorced from their spouses. Many of them become distressed and their miseries increase when they have dependent children to support and bring up. They too need protective umbrella.

Ours is a welfare State. It is the sacred duty of the State to initiate protective and welfare measures for the abandoned, disowned and distressed widows and single women so that they can live gracefully in the society. It is therefore imperative to establish an authority to exclusively take care of such widows and single women throughout the Country.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Distressed Widows and Single Women Welfare Board. Clause 5 provides for the establishment of National Distressed Widows and Single Women 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 and single women. 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, if enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupee fifty thousand crore, it is estimated that a sum of rupee forty thousand crore may involve as recurring expenditure per annum.

A sum of rupee twenty five thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the 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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(Shri Rajkumar Dhoot, M.P.)