

**Bill No. XXI of 2011**

THE DISTRESSED AND NEGLECTED WIDOWS AND DIVORCED  
WOMEN (MAINTENANCE, SUPPORT AND WELFARE)  
BILL, 2011

A

**BILL**

*to provide for the protective umbrella through maintenance, financial and other requisite support, withdrawal from begging, chanting of bhajan as profession and flesh trade, get rid of exploitation and for the welfare measures to be introduced by the State for the distressed, neglected, indigent, poverty or infirmity stricken widows and divorced women irrespective of their caste, creed or religion and for matters connected therewith and incidental thereto.*

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

**1.** (1) This Act may be called the Distressed and Neglected Widows and Divorced Women (Maintenance, Support and Welfare) Act, 2011.

Short title,  
extent and  
commence-  
ment.

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

(3) It shall come into force at once.

**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;

10 (b) “Authority” means the National Welfare Authority for the Distressed Widows and Divorced Women established under section 3;

(c) “distressed” in relation to a widow or divorced women means who is stricken with poverty, without any means of livelihood and house to live with or without her minor dependent children or who is infirm due to old age, physical deformity, disease, mental imbalance and who is not looked after by any of her relatives;

(d) “neglected” in relation to a,

5

(i) widow means who has been abandoned under any prevailing custom or otherwise by her family or relatives and is not given the due care and attention by her near and dear ones and left to fend for herself;

(ii) divorced women means who has been disowned by her in-laws as well as parental relatives and left to fend for herself;

10

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

(f) “widow” means an adult female human being legally married and whose husband has died.

Establishment  
of the  
National  
Welfare  
Authority for  
the Distressed  
Widows and  
Divorced  
Women.

**3. (1) The Central Government shall, as soon as may be but within six months of the commencement of this Act, by notification in the Official Gazette, establish an Authority to be call the "National Welfare Authority for the Distressed Widows and Divorced Women" for carrying out the purposes of 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, to contract and by the said name sue and be sued.**

20

**(3) The headquarter of the Authority shall be at Lucknow in the State of Uttar Pradesh.**

**(4) The Authority shall establish its branches in all the States and Union Territories at conspicuous places in the country.**

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

**(a) the Minister in charge of the Union Ministry of Women and Child Development as *ex-officio* Chairperson;**

25

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

**(c) five members of Parliament preferably women members, of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding Officers of both the Houses;**

30

**(d) three members representing the Union Ministries of Social Justice and Empowerment, Finance and Human Resource Development respectively;**

**(e) not more than four members to be nominated by the Governments of the States, by rotation in alphabetical order to represent the Governments of the States;**

35

**(f) three members to be appointed by the Central Government from amongst the recognised Non-Governmental Organisations working for the welfare of distressed and neglected widows and divorced women covered under this Act.**

**(6) The term of office, remuneration and other facilities of the Deputy Chairperson and members shall be such as may be prescribed.**

40

**(7) The Authority shall follow such procedure for holding its meetings and the quorum for such meeting shall be such as may be prescribed.**

**(8) The Authority shall have a Secretariat with such number of officers and members of the staff with such terms and conditions of service and salary, allowances and other facilities as may be prescribed from time to time.**

45

4. (1) The Authority shall promote and implement such protective and welfare measures as it thinks fit, expedient or appropriate for the distressed and neglected widows and divorced women irrespective of their caste, creed or religion who are in need or make request for such protective and welfare measures to the Authority and who are covered under this Act.

Functions of  
the Authority.

5 (2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority shall,—

(a) invite applications by giving wide publicity through the electronic and print media and hoardings and posters, from the distressed and neglected widows and divorced women who require the protective umbrella of the Authority;

10 Provided that the general public may also provide the information about the distressed and neglected widows and divorced women covered under this Act to the Authority and the Authority shall take cognizance of such information;

15 (b) on the basis of applications so received or information given by the general public, the Authority shall register the names and particulars and maintain a district-wise register of the distressed and neglected widows and divorced women covered under this Act with such particulars and details as may be prescribed;

(c) work out plans and formulate schemes for the protection, welfare and rehabilitation of the distressed and neglected widows and divorced women covered under this Act;

20 (d) formulate, rehabilitation measures and other protective measures in particular for the *bhajan* chanting widows of Mathura, Vrindavan and other religious places;

(e) establish adequate number of hostel accommodations for board, lodging and make provision of necessary facilities therein for the needy widows and divorced women covered under this Act;

25 (f) take such other measures not inconsistent with the provisions of this Act, as the Authority may deem necessary for the protection and welfare of the distressed and neglected widows and divorced women covered under this Act.

30 5. (1) The appropriate Government shall, on the recommendation of the Authority or of its own, provide the distressed neglected widows and divorced women registered under this Act, the following facilities, namely:—

Financial  
assistance and  
other  
facilities.

(a) monthly subsistence allowance of rupees three thousand in case she is having any dependent child or rupees two thousand if she is alone;

(b) hostel accommodation free of cost wherever necessary;

(c) free education if, she is illiterate;

35 (d) free education including higher education, technical and medical education to their children;

(e) free medicare;

(f) gainful employment;

(g) free vocational training wherever necessary;

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

45 Provided that if any distressed and neglected widow or the divorced women covered under this Act either gets gainful employment or remarries, all the facilities provided to her and her children in accordance with the provisions of this Act shall be withdrawn from the date she gets the gainful employment or remarriage, as the case may be.

**(2) It shall be the duty of the Authority as well as of the appropriate Government to extend or get extended the vocational training and in particular for stitching, weaving embroidery, handicrafts paintings, doll making, producing *papad* and *namkeens*, sweets, pickles and other household items to the widows and divorced women covered under this Act as per their calibre and extend necessary financial and other assistance to them for their self employment after their training.** 5

Annual  
Report.

**6.** The Authority shall submit an Annual Report in such form and in such manner, as may be prescribed of its activities and the protective and welfare measures undertaken for the purposes of this Act to the President of India who shall cause the Report to be laid before both the Houses of Parliament alongwith the action taken by the Central Government thereon as soon as it is recieved. 10

Central  
Government  
to provide  
requisite  
funds.

**7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority and the Governments of the States and Union Territories administrations, from time to time, for carrying out the purposes of this Act.** 15

Power of  
remove  
difficulty.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central 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.

Act to have  
overriding  
effect.

**9.** 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. 20

Act to  
supplement  
other laws.

**10.** 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 within this Act.

Power to make  
rules.

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

#### STATEMENT OF OBJECTS AND REASONS

Our nation is very vast and second most populous nation of the globe with different religious, cultures, customs and languages. Nearly half of our population is composed of women and therefore, it is natural that there is a very large number of widows in our country. Quite a large number of such widows and divorced women are from lower and middle income groups or classes of our society. Those who are illiterate and confined to their households alone become distressed and forced by the circumstances to live uncared in the society. Many of the widows are neglected by their families and even thrown out of the households by their in-laws and they are not welcomed in their parental homes too for various reasons. In some cases, due to custom or because of personal law, the women are divorced very easily and thrown out of the households. Since most much widows and divorced women have no means to support themselves and their dependent children, they work as house maids for survival but even this is not possible for the infirm, old, physically handicapped or mentally ill and they have to subsist on begging. Many who are young are forced into flesh trade to avoid starvation which in turn makes their lives more disgraceful. Ours is a democratic country and a welfare state and hence, it is the primary duty of the State to provide protective umbrella to the distressed and neglected widows and divorced women by removing the exploitation of the such women and provide financial assistance, shelter, medicare, education and other necessary facilities to such women so that they too lead a respectable life in the society with their dependent children. To ensure this protective umbrella, an authority should be established so that all such unfortunate and hapless, widows and divorced women are protected from all kinds of exploitation in the society.

Hence, this Bill.

DR. AKHILESH DAS GUPTA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Welfare Authority for the Distressed Widows and Divorced Women. Clause 5 provides for financial assistance and other facilities for the widows and divorced women. Clause 7 make it obligatory for the Central Government to provide requisite funds to the Authority and Governments of the States and Union Territories for carrying out the purposes of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the amount at this juncture it is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees twenty thousand crore may also involve from the Consolidated Fund of India.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of this Bill empowers 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, therefore, of a normal character.

RAJYA SABHA

---

A

BILL

to provide for the protective umbrella through maintenance, financial and other requisite support, withdrawal from begging, chanting of *bhajan* as profession and flesh trade, get rid of exploitation and for the welfare measures to be introduced by the State for the distressed, neglected, indigent, poverty or infirmity stricken widows and divorced women irrespective of their caste, creed or religion and for matters connected therewith and incidental thereto.

---

(Dr. Akhilesh Das Gupta, M.P.)