

**Bill No. XXVII of 2009**

THE INFIRM, DESTITUTE AND NEGLECTED OLD WOMEN AND  
WIDOWS (PROTECTION AND WELFARE) BILL, 2009

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BILL

*to provide for the protection and welfare measures to be undertaken by the State for the infirm, destitute and neglected old women and the widows by extending financial assistance, rehabilitation, medical care and other facilities through a Welfare Board and for matters connected therewith or incidental thereto.*

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

**1.** (1) This Act may be called the Infirm, Destitute and Neglected Old Women and Widows (Protection and Welfare) Act, 2009.

Short title,  
extent and  
commence-  
ment.

(2) It extend to the whole of India.

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

**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) "Board" means the Infirm, Destitute and Neglected Women and Widows Welfare Board established under Section 3;

(c) "destitute" in relation to a woman means any female human being who lives uncared for and has become infirm due to old age or chronic or incurable disease, physical deformity or mental imbalance and has no independent and adequate means of livelihood or is not being looked after by her family members or relatives;

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

(e) "widow" means a female human being who has attained the age of eighteen years and whose husband has died after her legal marriage.

Establishment  
of the Infirm,  
Destitute and  
Neglected  
Women and  
Widows  
Welfare  
Board.

**3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Board to be known as the Infirm, Destitute and Neglected Women and Widows Welfare Board for 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 Chennai in the State of Tamil Nadu and the Board may establish its branches in 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 *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) five women Members of Parliament of whom three shall be from Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of each House;**

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

**(e) 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;**

**(f) three members to be appointed by the Central Government from amongst the Non-Governmental Organizations (NGOs) working for destitute women or widows, as the case may be.**

**(5) The Board shall follow such procedure for holding its meetings and quorum for such meetings shall be such as may be prescribed.**

**(6) The Board shall have a Secretariat consisting of a member Secretary and such number of officers, employees and establishment, 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;**

Functions of  
the Board.

**4. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote by such measures as it thinks appropriate, necessary and fit, the protective and welfare measures including rehabilitation measures for the infirm, destitute and neglected old women suffering from chronic or incurable disease, physical deformity and mental imbalance and for the widows who have become destitute or have been abandoned by their kith and kin and remain neglected and left to fend for themselves without independent and adequate means of livelihood who are languishing all over the country.**

(2) Without prejudice to the generality of the provisions of Sub-Section (1), the Board shall,—

(a) maintain district-wise register of the infirm, destitute and neglected old women and widows who are subsisting on begging or alms given by general public, chanting *bhajans* at religious places 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;

(b) work out various plans and formulate schemes for the overall welfare and rehabilitation of the infirm, destitute, and neglected old women and widows covered under this Act and implement them in letter and spirit;

(c) conduct a special survey of the old women including widows who have become infirm suffering from chronic or incurable disease, physical deformity or mental imbalance and abandoned by their kith and kin and subsisting on alms as begger or *bhajan* chanting in the temples of Mathura, Vrindavan and other places in Uttar Pradesh and other parts of the country and formulate appropriate medicare and rehabilitation programmes for such old women in such manner as may be prescribed;

(d) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board so that the women covered under this Act may avail them in a big way;

(e) 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. On the recommendation of the Board or otherwise, the appropriate Government shall provide the old women and widows covered under this Act, the following facilities, namely:—**

Facilities  
by the  
appropriate  
Government.

(a) **monthly subsistence allowance of not less than three thousand rupees if the old woman or the widow, as the case may be, is having any dependent children and not less than one thousand five hundred rupee in case she is alone;**

(b) **residential accommodation free of cost wherever necessary;**

(c) **free medical care with medicines both indoor and outdoor facilities;**

(d) **free education to the dependent children as per their calibre;**

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

(f) **assistance for rehabilitation like self employment, etc. wherever required;**

(g) **free legal aid in case the old woman or widow has been thrown out or abandoned by her kith and kin;**

(h) **such other facilities, as may be necessary for the welfare, rehabilitation, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:**

Provided that if the woman covered under this Act either gets remarried, gainful employment and taken back by her kith and kin in the family the facilities being provided to her shall be withdrawn from the date she gets gainful employment, re-entry into her family or her remarriage, as the case may be.

**6. (1)** The appropriate Government shall establish such number of old women Homes as conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for board and lodging of infirm old women or suffering from chronic or incurable disease, physical deformity or mental imbalance or such other physical conditions including widows in such homes with necessary facilities of daily life as may be prescribed.

Old women  
homes.

(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment to the old women in such Homes. The inhabitants of such old Homes shall not be entitled for subsistence allowance under this Act.

(3) The inhabitants of such old Homes shall not be entitled for subsistence allowance under this Act.

Protective provisions.

**7.** Notwithstanding anything contained in any other law for the time being in force or in any custom prevalent, an old woman or widow 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 woman or widow was last residing;

(b) be entitled to inherit the property or her share of jointly owned property from her in-laws;

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

Central Government to provide funds.

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

Annual Report of the Board.

**9.** 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.

Power to remove difficulty.

**10.** 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 appear to it to be necessary or expedient for removing the difficulty.

Act to have overriding effect and supplement other laws.

**11.** The provisions of this Act and rules made there under 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 the old women and widows covered under this Act.

Power to make rules.

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

## STATEMENT OF OBJECTS AND REASONS

In a vast country like ours which is the second most populous nation of the globe it is but natural that there are millions of hapless, unfortunate widows and other destitute old women who are infirm, suffering from chronic or incurable disease, physical deformity or mental imbalance particularly, belonging to poor and middle class groups who live uncared for and neglected by their near and dear ones without independent and adequate means of livelihood. They lead a lonely and miserable life and very often subsist on alms which they get from begging and many a time their physical condition do not allow them to beg which puts a question mark on their very survival. Similarly, millions of women lose their husbands untimely and become widows. Most of them become destitute and their lives become miserable if they do not have a roof over their head and means of livelihood. They are driven out of their in-laws homes or even from their parental homes. If they have children to support their condition goes from bad to worse and they have no option but to beg for survival. They are sexually exploited and many a time forced into prostitution. Many of the widows subsist working as maids or doing petty works. In the society they are treated as a bad women and are not allowed auspicious occasions. Unfortunately to be present on even their kith and kin do not hesitate in ill treating them. Many old women take shelter in old age homes but their number is awfully very short.

Since our democracy is wedded to welfare, it is the sacred duty of the State to initiate protective welfare measures for the infirm, destitute, neglected old women and widows through a Board which will exclusively look after the welfare, rehabilitation and protection of such old women and widows.

Hence this Bill.

JAYANTHI NATRAJAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Board. Clause 5 provides for the facilities to be provided to the old women and widows by appropriate Government. Clause 8 makes it obligatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee ten thousand crores may involve as recurring expenditure per annum.

A sum of rupee fifteen thousand crores may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **12** 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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*(Smt. Jayanthi Natrajan, M.P.)*