

Bill No. 236 of 2015

THE WIDOWS (PROTECTION AND MAINTENANCE) BILL, 2015

By

SHRI JANARDAN SINGH 'SIGRIWAL', M.P.

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BILL

to provide for the measures to be undertaken by the State for the protection and maintenance of neglected, abandoned and destitute widows by establishing a Welfare Board for such widows and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Widows (Protection and Maintenance) Act, 2015.

Short title and extent.

(2) It extends to the whole of India.

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

Definitions.

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(a) "abandoned widow" means a widow who has been deserted or thrown out of the 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 National Widows Welfare Board established under Section 3;

(d) "destitute widow" means a widow stricken with infirmity due to old age, physical disability, chronic ailment, mental imbalance or who has no source of income to support herself and her dependent children, if any;

(e) "prescribed" means prescribed by rules made under this Act; and 5

(f) "widow" means a legally married woman whose husband has expired.

Establishment
of the National
Widows
Welfare Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be called the National 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. 10

(3) The Head Office of the Board shall be situated at such place as may be decided by the Central Government and the Board may establish its branches in the States and Union territories in such manner as may be prescribed.

(4) The Board shall consist of,— 15

(a) a Chairperson, ex-officio, who shall be Minister in charge of the Union Ministry of Social Justice and Empowerment;

(b) a Vice-Chairperson preferably a widow to be appointed by the Central Government;

(c) three members of Parliament of whom two shall be from Lok Sabha and one from the Rajya Sabha to be nominated by the presiding officers of respective Houses; 20

(d) two officers not below the rank of Joint Secretary in the Union Ministry dealing with the administration of this Act to be appointed by the Central Government;

(e) not more than four 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 25

(f) three members to be appointed by the Central Government from amongst the Non Government Organizations working for the welfare of widows.

(5) The Board shall follow such procedure in discharge of its agenda and hold meetings in such manner as may be prescribed. 30

(6) The salary, allowances and other conditions of service of the Vice-Chairperson and other members of the Board shall be such as may be prescribed.

(7) The Board 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 Board as may be prescribed. 35

Constitution
of a Widows
Welfare Fund.

4. (1) The Central Government shall constitute a Fund to be known as the Widows Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the fund such other sums as may be received by way of donation, contribution, assistance or otherwise by the Board. 40

Functions of
the Board.

5. (1) The Board shall promote and provide, by such measures as it thinks fit, for the protection, maintenance and welfare of neglected, abandoned and destitute widows and for their dependent children.

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

(a) maintain district-wise register of widows with such particulars and in such manner as may be prescribed;

5 (b) collect and get verified the antecedents of every widow covered under this Act to assess her need for assistance in such manner as may be prescribed; and

(c) perform such other functions as may be assigned to it from time to time.

6. The Board shall provide to the abandoned or destitute widows, on an application prescribed for the purpose, the following facilities, namely:—

Facilities to be provided to the widows.

10 (a) **subsistence allowance of rupees two thousand per month in case the widow is infirm and destitute or is having one or more dependent children or rupees one thousand per month in case she has no dependent child;**

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

15 (c) **free education including technical education to the dependent children of the widows;**

(d) **gainful employment;**

(e) **vocational training wherever required;**

(f) **such other facilities as may be necessary and as may be prescribed:**

20 Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such widow gets employment or remarries, as the case may be:

Provided further that a widow residing with her in-laws or parents according to custom or due to other circumstances shall not be denied the facilities under this Act on this ground.

25 **7. Notwithstanding anything contained in any other law for the time being in force or in any custom, a widow,—**

Miscellaneous provisions.

(i) shall not be evicted or thrown out of the house of the in-laws or parents, as the case may be, where such widow was residing at the time of death of her husband;

30 (ii) shall be entitled to inherit the property or the share of her late husband in case of joint ownership of the property from her in-laws; and

(iii) shall be entitled for maintenance from the heir or in-laws who abandon a widow for subsistence.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide requisite funds.

35 **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, 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 widows.**

Act to have overriding effect.

40 **10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

Power to make rules.

(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 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.

STATEMENT OF OBJECTS AND REASONS

In our country, there are millions of unfortunate widows who are leading a miserable life. Their number is nearly three per cent. of total population. More than fifty per cent. of these widows are old, infirm, disabled and have no source of income or livelihood. Their position becomes miserable if they have dependent children to support and bring up. They work as housemaids and take up other jobs for survival.

It commonly occurs 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. Sometimes condition of such widows become miserable and their problems increase manifold due to poverty and other compelling reasons. Many such widows can be seen begging in the streets and public places. Several women who become widows in their youth are not only sexually exploited by their known ones but also forced into prostitution. At some places, widows are termed as witches and tortured even by their own kith and kin or other persons from the community. They are treated as bad women by the society.

Ours is a welfare State. It is the foremost duty of the State to initiate welfare measures and to protect and provide maintenance to the hapless widows so that they can live gracefully in the society. It is, therefore, proposed in the Bill to set up a Welfare Board to exclusively look after the welfare of neglected, abandoned and destitute widows.

Hence this Bill.

NEW DELHI,
July 29, 2015.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Widows Welfare Board. Clause 4 provides for the constitution of a Welfare Fund. Clause 6 provides for facilities like subsistence allowance, free residential accommodation, medical facilities, gainful employment, etc. to widows. Clause 8 provides that Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand crore approximately is likely to be involved.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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(Shri Janardan Singh 'Sigrival', M.P.)