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Advisory on the Protection of Human Rights of the Widows

Under the Protection of Human Rights Act, 1993, the National Human Rights Commission (NHRC) is entrusted with the responsibility of protecting and promoting the human rights of all human beings in the country. The Commission has taken cognizance of the challenges being faced by the widows in the country.

2. They face a number of hurdles in their daily lives which have a direct impact on their quality of life. Isolation, coupled with lack of education, financial resources, and absence of family support at times, often compromises their ability to live with dignity.

3. To address these issues and challenges, the Commission hereby issues the 'Advisory on Protection of Human Rights of the Widows' to the Union and State Governments, and UT Administrations, containing a set of recommendations for improving their quality of life and protecting dignity.

4. It is advised to implement the recommendations made in the advisory in letter and spirit in your state/ UT and to send an Action Taken Report (ATR) within two months to keep the Commission informed of the progress in implementing the advisory.

[Bharat Lal]
Secretary General

Enclosed: Advisory on the Protection of Human Rights of the Widows

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National Human Rights Commission

Advisory on Protection of Human Rights of the Widows

The loss of a spouse is a period of extreme emotional and psychological turmoil for any individual. Women who lose their spouses often fare worse than their male counterparts. The number of widows across the world is nearly 258 million. Across societies, widows remain vulnerable and are often unable to participate in mainstream society as equal citizens.

In the case of India, women who lose their husbands, apart from having to face the emotional distress of losing a spouse, are also faced with numerous other challenges including, but not limited to social exclusion, loss of income, and often, even loss of residence. According to the 2011 Census data, there are 5.6 crore widowed persons in India and women account for nearly 78% of the total widowed population.

Widows are often left to fend for themselves after the loss of their spouse. Without adequate support from their families and financial independence, and subjected to isolation from the community, these women are often forced to leave their homes and seek refuge at shelter homes/Ashrams. Prevalence of illiteracy and the economics of aging increase the probability of widowed women having to live this kind of secluded life after the loss of their spouse.

With an expectation to see a paradigm shift in the attitudes to interventions from the welfare approach to an entitlement approach, the National Human Rights Commission issues this advisory to the government authorities, and accordingly, makes the following recommendations:

1. Ensuring access to proper identification documents:

- 1.1 AADHAAR cards of all widows residing in and around the allotted public and private shelter homes should be made to ensure that the benefits of various schemes are made easily accessible to them and are also monitored.
- 1.2 A dedicated "Widows' Cell" should be constituted in each district that can serve as a single window for schemes for widows. All shelter homes should be registered with the Widows' Cell.
- 1.3 User friendly and easy processes should be put in place for widows who are not digitally literate to facilitate the access to schemes.
- 1.4 Documents like Pradhan Mantri Jan Arogya Yojana (PM-JAY) health cards, ration card, Voter ID, PAN Card; etc. should be provided, and existing cards to be updated for all the widows.
- 1.5 Given that the shelter homes and Ashrams have the details of all the residents, they should bear the responsibility to enroll destitute widows in welfare schemes



to which they may be eligible including PM-JAY, Mudra Yojana, Mahila Samridhhi Yojana, and other such schemes.

- 1.6 A centralized team should be set up in each area to take charge of such duties; also, to monitor the implementation of welfare schemes, distribute pension, maintain records of recurring issues and requirements, and thereafter, arrange for services wherever applicable.
- 1.7 A digital common database of all the widows may be created and monitored at the state level to facilitate the aforementioned processes.
- 1.8 It should be ensured that Aadhaar card of widows should be linked to their mobile number to facilitate full autonomy and to ensure the pension is credited to their account.
- 1.9 It is be ensured that widows operate their own accounts.
- 1.10 The procedure for submitting application for Widows pensions should be simplified.
- 1.11 Widows should not be denied the benefit of social welfare schemes for want of registration of marriage certificate.
- 1.12 The widows should be provided with proper identity cardsto enable them to have access to the social welfare schemes,

2. Development and maintenance of shelter homes:

- 2.1 Care should be taken to ensure that shelter homes and Ashrams are not exceeding their capacity to avoid overcrowding. Furthermore, residents of shelter homes exceeding their capacity may be transferred by the authorities to other nearby homes which may be able to accommodate them.
- 2.2 There should be a centralized database of all government-run homes for widows on the website of the Ministry of Women & Child Development (MoWCD), as well as on the websites of all concerned state departments.
- 2.3 More new homes should be set up and made operational on a priority basis for homeless widows who live without any proper space in existing shelters, government-run homes and other Ashrams, particularly in cities that see a big influx of widows.
- 2.4 Timely and proper maintenance of certified Ashrams and homes should be ensured. Availability of basic amenities like cleanliness, food, clean drinking water, hygiene, and sanitation to be checked on a regular basis.
- 2.5 Proper implementation of the guidelines of 'SwadharGreh - a scheme that caters to the primary needs of women in difficult circumstances (2015)' released by the MoWCD should be ensured and monitored.
- 2.6 Timely disbursements of grants for the purpose of development and maintenance of new and old shelter homes should be released.



- 2.7 Regular visits to these Ashrams and homes may be undertaken on a quarterly basis by a Monitoring Team deployed by the (MoWCD) at the district level to inspect the living conditions. The details of the visit report may be uploaded on the website of the Ministry for proper monitoring at the state and national level.
 - 2.8 Duration for which widows can stay in a shelter home, whether government-run or those run privately to be regularized in a way that those having no other place should not have to relocate, if not willing.
 - 2.9 An independent monitoring committee comprising of district authorities and selected civil society organizations should be set up. Timely visits by these committees should be conducted with an aim to assess and improve facilities in shelter homes.
 - 2.10 All shelter homes and Ashrams should have some recreational facilities including television sets, radio, a small library, etc.
 - 2.11 The Temple trust in holy cities may explore the possibility to provide food and shelter homes to the widows and fulfill other needs. This will help in alleviating the condition of the widows in a substantial manner.
- 3. Equal access to property; prevention of ousting from their homes and protection from exploitation:**
- 3.1 While widows have the right to succession of the property, its implementation needs to be legally protected and ensured by providing legal aid.
 - 3.2 The rights of widows to the matrimonial home to be protected and enforced in practice. It is to be ensured that she is not ousted from her home/dwelling. If they have been ousted, legal aid to be provided to them to secure uninterrupted living in their home/ dwelling.
 - 3.3 Forcing widows to fend for themselves should be discouraged by making it punishable by law, which may be applicable to her children, her family members, and others benefitting from her property.
 - 3.4 Appropriate shelter homes should be provided to such widows with the space for recreation and other activities is made to strengthen them and maximize their potential to make them self-dependent. They should be engaged in suitable income-generating activities to maintain livelihood.
 - 3.5 Police patrolling should be done regularly at the shelter homes and a detailed report on the status, along with grievances should be communicated specifically to the Women's Help Desk. The Senior Citizen Cell model of Delhi Police can be duplicated for this purpose.
 - 3.6 Special drive to be made to create awareness amongst the widows that they have equal right to live with human dignity and enjoy the property rights in the family property.



3.7 An effort to be made to reunite abandoned widows with their families, if necessary, with the help of the court, for which a database should be prepared. A nodal officer may be appointed to supervise reunion of the widows with their families.

4. Provision of skill development and access to sustainable livelihoods:

- 4.1 Many widows residing in shelter homes and Ashrams come from marginalized families and have had little to no access to formal education. Efforts should be made to enroll them in education programmes like New India Literacy Programme (NILP) and other programmes to give them at least foundational literacy, including financial literacy. Homes and Ashrams may partner with local NGOs to encourage and provide education to widows.
- 4.2 Widows should be made self-reliant through self-employment by way of providing the necessary skill training.
- 4.3 Creation of Self-Help Groups (SHGs) to serve as a catalyst for self-employment and entrepreneurial activities by widows may be encouraged.
- 4.4 Additionally, local organizations and training centers that can provide initial training and basic support should be involved.
- 4.5 The skill training programmes may be tailored to meet the needs of the widows. The concerned authorities may take regular feedbacks from them to ensure that the skill training programmes are meeting their expectations.
- 4.6 Regular sessions should be organized by experts and para-legal volunteers in order to create awareness amongst the widows about their legal/ fundamental rights, and constitutional and other remedies.
- 4.7 Digital access and digital literacy should be encouraged and supported for widows through regular training programmes.
- 4.8 Since many widows do not reside in shelter homes, such widows should also have the full opportunity to enroll in skill development and training programmes for their socio-economic upliftment and participation in mainstream society.
- 4.9 Educated widows should refrain from doing menial jobs. Suitable jobs should be provided to them so as to enable them to earn their livelihood.
- 4.10 The widows should be ensured access to decent employment and they should not be dependent upon their family.
- 4.11 The widows should not be involved in begging.

5. Access to easy banking and financial independence

- 5.1 Concerned agencies should ensure that all widows have a personal bank account under Pradhan Mantri Jan Dhan Yojana.
- 5.2 Simple measures like access to banking services, small savings, access to easy loans, and financial literacy to be ensured by the concerned agencies.



- 5.3 Mobile banking service options may be made available to older widows who are confined to their spaces due to age and health. However, prior to providing them the services of mobile banking, their financial literacy should be ensured to save them from financial frauds and theft.
- 5.4 The government should review the amount given as monthly pensions to abandoned/destitute widows in order to ensure that the same is sufficient to meet their basic needs, with or without self-employment. State governments may similarly review the pension amounts given to abandoned/destitute widows.
- 5.5 The widows should be made self-reliant by providing necessary socio-economic help through financial incentives like loans and subsidies.

6. Healthcare accessibility, affordability, and availability:

- 6.1 Free, regular medical health check-ups should be organized for all the residents of all the shelter homes and Ashrams.
- 6.2 For destitute widows residing in shelter homes who require specialized healthcare services, scheduled visits by medical professionals should be arranged by the home and Ashram authorities at regular intervals.
- 6.3 In cases where health emergencies occur for destitute widows, it is the responsibility of the caretakers and concerned agencies to arrange for support and medical interventions. During such emergencies, arrangements of vehicle should be made in Ashrams and homes.
- 6.4 No cost for medical check-ups should be charged and in cases wherever applicable, support from external organizations should be sought and arranged accordingly.
- 6.5 It should be ensured that the benefits of Ayushman Bharat Yojana are availed by the widows.

7. Mental health:

- 7.1 For widows in need of mental health support and care, specialized care should be arranged and recovery should be enabled. Stigmatization and segregation related to mental illness should be discouraged.
- 7.2 When any new resident is registered in an Ashram or shelter home, a counseling session should be undertaken to assess their mental condition.
- 7.3 The shelter homes/Ashrams should promote activities that boost the morale, bring about social integration and reduce the feeling of isolation among the widows. Celebrating festivals and cultural activities is essential to encourage the participation of widows, and bring about a sense of meaning in their lives.
- 7.4 For widows who are diagnosed with chronic mental illnesses, dedicated and long-term provisions should be arranged and taken care of.

8. Community-based networks:



- 8.1 The support and satisfaction that an individual garners from being a member of a community is irreplaceable. Community-based networks and support groups to promote festivities, gatherings, community-based activities, etc. should be strategically designed and administered.
- 8.2 The knowledge and experiences of widows are vital in spreading and inculcating Indian ethos among children. Their services can be utilized by Aanganwadis, orphanages, and primary schools, where these women can share their skills and knowledge, contributing to the enhancement of children's life skills. This initiative will, in turn, create a sense of purpose among the widows.
- 8.3 Widows desiring to remarry or find partners should be linked to appropriate agencies/NGOs.
- 8.4 At the time of remarriage from a shelter home, the widow should have the option of returning to the home without undergoing fresh formalities in case the marriage or relationship fails, or the spouse or partner dies.
- 8.5 The state government may provide suitable funds for marriage under existing schemes for widow remarriage also.

9. Lack of data about issues of destitute widows:

- 9.1 Research and data lacunae in terms of the demographics, issues, requirements of widows' demands to be addressed as prerequisites.
- 9.2 More studies and surveys should be conducted in order to bring into focus the areas where interventions are needed on an urgent basis.

10. Utilization of the literature and suggestions made previously:

- 10.1 There is a need for suitable legislation to deal with the plight of abandoned widows, such as that against Sati Pratha.
- 10.2 The government may like to review 'The Widows (Protection and Maintenance) Bill, 2015' introduced by Shri Janardan Singh Sigriwal, Hon'ble M.P. at the 17th Lok Sabha so that legislation could be brought about the welfare of the widows.
- 10.3 The report of the Committee constituted under the direction of the Hon'ble Supreme Court of India submitted in 2017 proposed a Common Working Plan with a list of executing agencies - all the agencies should work in synergy to achieve execution and implementation of the guidelines and suggestions wherever applicable.

11. Other important measures:

- 11.1 Widows often struggle to find legal support due to various factors like lack of knowledge, lack of family support, and absence of financial support. This makes them more vulnerable because they are unable to seek remedy if their rights are violated. Legal aid should be provided to widows in need. The shelter homes and



Ashrams should connect them to NGOs and the District Legal Services Authority (DLSA) to provide them with the necessary assistance.

- 11.2 The concerned District Legal Service Authority should design and launch campaigns to sensitize people about the various benefits and schemes available for the widows in their states. An example of a good practice is DLSA Kurukshetra's Campaign namely "AtamnirbhartaMera Adikhar" for widows, under which a team of youth were trained by empanelled advocates to disseminate important information and organize camps for widows.
- 11.3 Widows should be made aware of various enabling provisions of Acts, viz. The Hindu Succession Act, 1956; The Code of Criminal Procedure, 1973/ Bharatiya Nagarik Suraksha Sanhita, 2023; Hindu Adoptions and Maintenance Act, 1956; The Protection of Women from Domestic Violence Act, 2005, The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, etc. so that they are aware of their rights. From time to time, concerned authorities should review the cases related proprietary rights or rights of residence, right of maintenance, right against any form of violence against widows for ensuring adequate relief in a time-bound manner.
- 11.4 Last rites of the widows should be carried out in a dignified manner by the shelter homes/ Ashrams. It should be done in accordance to the rituals and faith of the destitute widows.
- 11.5 The destitute widows should be encouraged to participate in social and political activities, if necessary, by providing horizontal reservation in panchayats and municipal bodies.
- 11.6 Section 80G of the Income Tax Act in India provides exemptions for donations made to specified charitable institutions and funds, making donations to registered shelter homes applicable to tax exemptions. Similarly, under Schedule VII of the Companies Act, 2013, as part of their Corporate Social Responsibility (CSR) activities, companies can contribute to initiatives that promote gender equality, empowering women, setting up homes and hostels for women and orphans; setting up old age homes, etc. Towards this, awareness building programmes should be undertaken to encourage private entities and individuals to support widows and donate to shelter homes/Ashrams.
- 11.7 Poverty indicators tailored to widows should be developed. Qualitative data should be prepared to understand the challenges faced by widows.
- 11.8 The Collector & District magistrate/ Deputy Commissioner should be made accountable for the implementation of various welfare schemes regarding food, shelter, dignity and for protection of property.

