

Ensuring Equity: Safeguarding Property Rights and Empowering Hindu Widows in Vrindavan

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Since the inception of modern civilization, women have been subjected to outrageous injustices and discrimination. Treated as the second sex, they have faced neglect and oppression in the hands of the patriarchal society. In spite of various welfare programs, amelioration campaigns and emancipation drives, the lives of women, especially widows, at the grass root levels in India is wretched and desolate. The death of the spouse strips them of protection and partnership. Amidst the chaos of social ostracism and cultural taboos, financial hardships cripple widows and exposes them to the throes of exploitation. This paper seeks to bring justice home for the Hindu widows in Vrindavan, who are deprived of their land, forced from their homes and denied equal inheritance and maintenance rights. The paper will examine the provisions of Hindu personal laws, the Hindu Succession Act of 1956, the Maintenance and Welfare of Parents and Senior Citizens Act of 2007, the Domestic Violence Act of 2005, and the provisions of the Indian Constitution in order to reflect on their lacunae and implementation failures with respect to Hindu widows. The paper will also explore various alternative ways of protecting property rights of widows in the event of statutory failure.

Additionally, the authors will unpack various nuances involved in devolution of property in case of simultaneous deaths. The paper would also address maintenance rights of childless widows and reflect on the role of the State (*parens patriae*) while discussing various schemes under National Social Assistance Programme. The paper will be an outcome of both doctrinal and empirical research, aiming to provide practical solutions to diminish the economic hardships of the widows in Vrindavan.

Keywords: Hindu Widows, Property, Maintenance, Empowerment, Vrindavan

INTRODUCTION

Property is often regarded as a symbol of power, societal standing, and economic autonomy. In ancient Hindu society, where widows were tragically subjected to the abhorrent practice of Sati, there was little to no discourse on the granting of property rights, leaving them bereft of their husbands' estates. It was not until the advent of British colonial rule in India, marked by the Bengal Sati Regulation of 1829 and later the Hindu Widow's Remarriage Act of 1856, that the rights of widows began to be acknowledged. Despite these legislative strides, widows remained distanced from the realization of property rights.

Before 1937, a Hindu widow governed by Dayabhaga⁷ and Mitakshara law⁸ was only entitled to maintenance for coparcenary property⁹ in which her husband held an interest. She was only entitled to support on separate property left by her husband in cases when he left a son, grandson, or great-grandson.¹⁰ Because of this, the widow's only sources of basic

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⁷ Dayabhaga is one of the Hindu schools which prevails in West Bengal and Assam. It primarily focuses on partition and Inheritance.

⁸ It is a commentary on the Yajnavalkya smriti which was written by Vijaneshwara. It prevails in whole India except West Bengal and Assam

⁹ Property which extends upto four generations including common male ancestor.

¹⁰ S.A. DESAI, MULLA: PRINCIPLES OF HINDU LAW, (21st ed., 2010)

subsistence allowance were the male lineal descendants or the surviving coparceners. After the demise of her spouse, a widow would frequently go uncared for since she would be left penniless and at the mercy of the intestate's family.¹¹

Following the enactment of the Hindu Women's Right to Property Act in 1937, the plight of widows began to see a positive shift. This legislation bestowed upon them a life interest in a portion of their late husband's estate, albeit subject to reversion upon their demise. Subsequently, the Hindu Succession Act of 1956 was passed, finally granting widows the rightful ownership of their share of their husbands' property.

PROPERTY RIGHTS OF HINDU WIDOWS

Prior to 1956, the woman estate was divided into two categories: stridhan¹² and women's estate.¹³ The Hindu Woman's Right to Property Act of 1937, on the other hand, was enacted with some modifications. Under this Act, the widow of the deceased now had the right over her husband's estate. The widow now held the sole right over the property, as opposed to the past practice of the theory of survivorship¹⁴ dividing the property among the surviving coparceners. She did, however, have some limited rights over such property, which she owned until the end of her life.

But it did not change the fundamental distinction between stridhan and woman's estate. Changes were made by virtue of Section 14 of the Hindu Succession Act, 1956, which went into effect in 1956. According to the clause, any property obtained by a female Hindu after the Act takes effect becomes her absolute estate or property. Section 2 of the Act reads as follows: Nothing in subsection (1) applies to property obtained by gift, under a will or other document, under a civil court decision or order, or under an award when the conditions of the gift, will or other instrument, or the decree, order, or award prescribe a restricted estate in such property.

It specifies that if the grant is issued subject to specified conditions, the grantee will take possession of the property in accordance with those restrictions. The estate given in a will as a limited estate and in lieu of maintenance would not grow to be a full estate.¹⁵ However, under Hindu law, the property can be classified into two categories: coparcenary property and self-earned property.

- 1) **Coparcenary property-** Coparcenary property is such a property which extends up to four generations including common male ancestor. It can be seen in Fig. 1 depicted below:

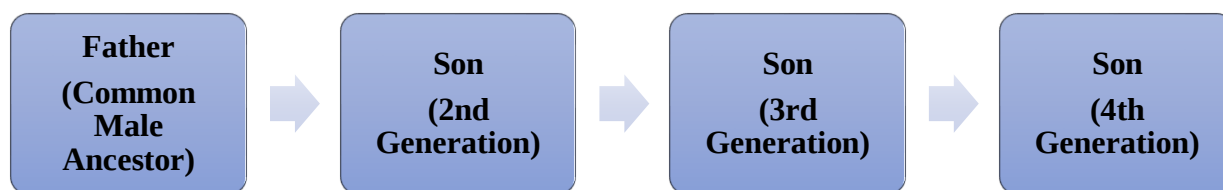


Fig. 1

Prior to 1956, Hindu law remained uncoded, whereby all property was treated as coparcenary property. Only sons were considered coparceners, while daughters had rights only over their stridhan. However, with the advent of the Hindu Succession Act, 1956, Section 6 clarified that while the general rule of survivorship continued, if the deceased left any

¹¹ Saxena, J. N. "Widow's Right of Succession in India." THE AMERICAN JOURNAL OF COMPARATIVE LAW 574-585 (1962).

¹² Stridhan includes those properties which a woman receives by way of gift from relatives which contains mostly movable property, such as jewellery and dresses; or sometimes piece of land or house. The gifts given by strangers during marriage are also considered as stridhan.

¹³ Woman's estate is a property of a woman of which she is a limited owner. She is the owner like any other person but she cannot alienate such property and on her death it devolves upon the next heir of the last full heir.

¹⁴ If the person survives only then their descendants will get the share, otherwise not.

¹⁵ Sarad Subramanyan v Soumi Mazumdar, 2006 SC 1993.

female member of Class I and any male member of any class, the property would pass through Notional Partition instead of through survivorship, as established in the case of *Gurupad v Hirabai*.¹⁶

Post-2005, daughters attained the status of coparceners,¹⁷ thereby gaining an equal share in the family property, akin to sons.¹⁸ As coparceners, daughters possess the right to a portion of the family property.¹⁹ The amendment extends the privilege to all daughters born before 2005, not just those born after 2005.²⁰

- 2) **Self-Earned Property-** The Hindu Succession Act delineates two sections governing self-earned property. For males, Section 8 outlines general succession laws. In cases where a Hindu man dies intestate,²¹ the property is initially inherited by class I heirs, followed by class II heirs, agnates, and finally cognates. Until 2005, there were 12 heirs in class I. However, with the addition of four new heirs, the total reached 16, comprising 11 females and 5 males. All heirs inherit simultaneously, and the presence of even one heir from this group prevents the property from falling into the class II category. Let's focus on class I heirs, primarily comprising the mother, wife, son, and daughter. Here, the term 'widow' denotes the legally wedded spouse (in accordance with Section 5 of the Hindu Marriage Act, 1955). In cases of intestacy, the widow is entitled to the same share as a son. If there are multiple widows, each will receive one share provided they were both parties to a valid marriage. Class II heirs encompass 19 individuals, including the widows of the father and brother. However, their inheritance is contingent upon the absence of any class I heirs. In the event of no class II heirs, agnates inherit, followed by cognates.²² Likewise, in the case of a female Hindu dying intestate, Section 15 of the Hindu Succession Act comes into play. According to this provision, the property will devolve first to the sons and daughters, followed by the husband's heirs, then the mother and father, fourthly to the father's heirs, and finally to the mother's heirs.

Presumption in Case of Simultaneous Deaths

There is also a provision in the Hindu Succession Act, 1956, that underlines the presumption in circumstances of simultaneous deaths. Where two persons have died in circumstances making it doubtful whether either of them, and if so, which, survived the other, it shall be presumed, unless the contrary is proved, that the younger survived the elder, for all purposes affecting succession to property.²³ It is one of the methods by which a widow can inherit property. Consider this scenario: both the father and the son pass away in the same plane crash, and the son had no property of his own. According to this provision, we assume the father died first. As a result, the son inherits a share of his father's estate, which ultimately passes to his widow. Despite the son not having any property himself, his wife is entitled to a portion of the inheritance.

MAINTENANCE RIGHTS OF HINDU WIDOWS

A payment made by a husband to his wife either throughout the marriage or after a separation or divorce is known as maintenance. But the paper focuses on a payment that a widow receives following her husband's passing. Section 3(b) of The Hindu Adoptions and Maintenance Act, 1956, elucidates the concept of 'Maintenance' comprehensively. It encompasses provisions for food, clothing, residence, education, and medical attendance, including treatment.

Section 19 of the Hindu Adoption and Maintenance Act, 1956, addresses the maintenance of widowed daughters-in-law. It stipulates that a widowed daughter-in-law is entitled to receive maintenance from her father-in-law. However, she does not possess the right to maintenance from her father-in-law during the lifetime of her husband.²⁴ In the case of *Raina v Hari*

¹⁶ AIR 1978 SC 1239, (1978) 3 SCC 383.

¹⁷ The Hindu Succession (Amendment) Act, 2005

¹⁸ §6 of Hindu Succession Act, 1956

¹⁹ *Santilala Sahu v Sabitri Sahu*, 2008 Ori. 86

²⁰ *Pravat Chandra Pattnaik v. Sarat Chandra Pattnaik*, 2008 Ori. 133.

²¹ Without leaving a will

²² One person is said to be cognate of another when two are related with each other but not wholly through males.

²³ §21 of Hindu Succession Act, 1956

²⁴ *Gurbachan Kaur v Paramjit Singh*, (1991) 1 HLR 519 (P&H)

Mohan Budhulia,²⁵ the Allahabad High Court established that when the children of a widow depend on her, she is entitled to receive maintenance for them from her father-in-law as well.

Upon remarriage, a widowed daughter-in-law forfeits her right to maintenance. This is because the responsibility for her maintenance now shifts to her husband under Section 18 of the Hindu Succession Act. After the husband's demise, this responsibility falls upon the father of the husband according to Section 19 of the same Act.²⁶ Additionally, the Hindu Widow's Remarriage Act, 1856, stipulates that a widow loses her entitlement to maintenance from her late husband's property upon remarriage.²⁷

Section 20 of Hindu Adoption and Maintenance Act, 1956, provides for maintenance of aged and infirm parents, if they are unable to maintain themselves out of their own earning or property.

Sections 21 and 22 of the Act introduce new entitlements for specific individuals known as dependents.²⁸, heirs are obligated to provide maintenance to certain specified relatives of the deceased. The term 'heir' encompasses all individuals upon whom the estate of the deceased is passed.²⁹ Importantly, the right of dependents pertains to the property itself and not personally against the dependants. Under this category, out of many dependants, four widow relatives are enshrined, namely, widow of the deceased, widowed daughter, son's widow and grandson's widow.

CONSTITUTION OF INDIA, 1950

Under Indian Constitution, right to life and personal liberty³⁰ includes various implied rights which is also applicable on widows:

- **Right to Shelter-** In the landmark case of *Chameli Singh v State of U.P.*,³¹ it was affirmed that the right to shelter constitutes a fundamental right under Article 21 of the Indian Constitution. The majority of widows in Vrindavan are found living on the streets and outside temple premises, devoid of suitable shelter or a peaceful home to reside in. It is imperative for the state to prioritize the establishment of shelters, ensuring that a maximum number of widows are provided with proper infrastructure and accommodation under one roof.
- **Right to Food-** In the path breaking case of *PUCL v Union of India*,³² the Supreme Court ruled that individuals who are starving due to their inability to afford foodgrains have the right to access food under Article 21 of the Indian Constitution. A significant portion of widows find themselves ejected from their homes and, lacking financial resources, face starvation, often leading to their untimely demise. It is therefore incumbent upon the State to fulfil its responsibility by providing them with sustenance from surplus resources, thereby rescuing them from the dire circumstances of starvation.
- **Right to Live with Human Dignity-** Based on the precedent set by the *Francis Coralie Mullin v UT of Delhi*,³³ Justice Bhagwati, in *Bandhua Mukti Morcha v Union of India*,³⁴ emphasized that every individual residing in the nation has a fundamental right to live in a dignified manner, free from exploitation. Therefore, the widows of Vrindavan also possess the inherent right to lead a life of human dignity and respect, as implicit within Article 21, without resorting to begging for food and other basic assistance. Consequently, their existence must be devoid of any form of inhumane treatment, humiliation, or exploitation

²⁵ *Raina v Hari Mohan Budhulia* (2005) 2 HLR 434 (All)

²⁶ *Animuthu v Gandhiammal*, AIR 1977 Mad 372

²⁷ *Dharmarajan v Narayanan*, (2001) 1 HLR 126 (Ker).

²⁸ Dependents are those relatives of the deceased who have the right to claim maintenance from the heirs of the deceased.

²⁹ *Gulzara Singh v Tej Kaur*, 1961 Punj. 288; *Kameshwaramma v Subrahmanayam*, 1959 A.P. 265.

³⁰ Art. 21 of the Constitution of India, 1950

³¹ *Chameli Singh v State of U.P* (1996) 2 SCC 549. See also *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545, *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981) 1 SCC 608, *State of Karnataka v. Narasimhamurthy* (1995) 5 SCC 524.

³² *PUCL v Union of India* 2000 (5) SC ALE 30. See also *Dipika Jagatram Sahani v. Union of India & Ors.* (2021) 2 SCC 740, *Maniben Maganbhai Bhariya v. District Development Officer Dahod & Ors.* 2022 SCC Online SC 507.

³³ *Francis Coralie Mullin v UT of Delhi* AIR 1981 SC 746

³⁴ *Bandhua Mukti Morcha v Union of India* AIR 1984 SC 802. See also, *People's Union for Democratic Rights v. Union of India* (1982) 3 SCC 235.

- **Right to Health and Medical Attendance-** Right to health is an implied right under article 21 as stated in *Parmanand Katara v Union of India*.³⁵ Widows residing in Vrindavan often face a scarcity of medical facilities, primarily due to financial constraints. Even those accommodated in ashrams and old age homes encounter a dearth of medical services, largely attributed to mismanagement within such shelter facilities. Nevertheless, several NGOs are actively engaged in addressing this issue, striving to provide adequate medical assistance to these destitute widows. Some well-known old age and shelter homes conduct monthly check-ups by medical professionals. However, in many instances, widows are left unattended, leading to significant health deterioration.

Other Provisions

- The state is empowered to enact special provisions for women. In essence, Article 15(3) allows the state to implement affirmative discrimination in favor of females.
- It is incumbent upon every citizen of India to renounce practices that undermine the dignity of women [Article 51-A(e)].

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was enacted to ensure the provision of maintenance to senior citizens and elderly parents. Both adult children and adult grandchildren, regardless of gender, bear the responsibility to maintain their parents and grandparents. Consequently, an application can be filed before the Maintenance Tribunal in any district against any one or more of them. Senior citizens who do not have children or grandchildren can claim maintenance from their relatives who possess their property or who will inherit their property after their demise.³⁶ The Act stipulates that the maximum maintenance sum that can be paid is Rs. 10,000 per month.³⁷ Further the Act provides that a fine of Rs. 5,000 or imprisonment upto three months, or both, will be imposed on anyone who neglects to provide care and protection for an elderly person and does so on purpose.³⁸

In the context of widows, the Maintenance and Welfare of Parents and Senior Citizens Act holds significant relevance. It addresses the distressing reality where many widows are abandoned by their children, rendering them homeless. However, this Act can provide essential support to widows, whether they are stepmothers or biological mothers, by obligating their children to provide maintenance simply by virtue of being parents. Another crucial aspect of this Act is its provision requiring relatives, particularly in-laws, to provide maintenance to childless parents who have transferred their property. However, a notable limitation of the Act is its failure to mandate state governments to establish elder care facilities, which are urgently required. This deficiency highlights a significant gap in the Act's effectiveness in addressing the needs of senior citizen widows.

DOMESTIC VIOLENCE ACT, 2005

It is a prevalent belief that the victim's husband or male partner is the only one who can pay maintenance. However, a recent Supreme Court ruling has added an intriguing twist to this notion. It was decided in *Ajay Kumar v. Lata and Ors*,³⁹ that the complainant's brother-in-law was required to provide support in accordance with Section 2(q) of the Domestic Violence Act. It was decided that the Act imposes maintenance obligations on any adult male who has had a domestic connection, that is, a relationship similar to marriage with the plaintiff.

³⁵ *Parmanand Katara v Union of India* AIR 1989 SC 2039. See also *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1, *Common Cause v. Union of India* (2018) 5 SCC 1, *Union of India v. Moolchand Kharaiti Ram Trust* (2018) 8 SCC 321, *S. Rajaseekaran (II) v. Union of India* (2018) 13 SCC 516.

³⁶ § 2(g), The Maintenance and welfare of Parents and Senior Citizens Act, 2007.

³⁷ § 9(2), The Maintenance and welfare of Parents and Senior Citizens Act, 2007.

³⁸ § 24, The Maintenance and welfare of Parents and Senior Citizens Act, 2007.

³⁹ *Ajay Kumar v. Lata and Ors* AIR 2019 SC 2600

GOVERNMENT SCHEMES AND PROGRAMMES

The Central government and the State governments oversee a vast array of government initiatives and programs. Of all the Central government's programs, the National Social Assistance Program, which is broken down into five schemes, is the most important. Among the groups these programs are primarily meant to assist are widows and the elderly. However, a few other projects are run by the Uttar Pradesh government. Uttar Pradesh widows receive financial support through several means. Below is a list of programs and tactics that would assist the Vrindavan widows:

National Social Assistance Programme- The National Social Assistance Program was implemented on August 15, 1995. This program's objective, which is in line with the state policy directive principle, was to carry out Article 41⁴⁰ of the Indian Constitution. The National Social Assistance Program is entirely funded by the central government and is governed by the Ministry of Rural Development. Indira Gandhi National Old Age Pension System (IGNOAPS), Indira Gandhi National Widow Pension Scheme (IGNWPS), Indira Gandhi National Disability Pension Scheme (IGNDPS), National Family Benefit Scheme (NFBS), and Annapurna Scheme are the five divisions of the NSAP scheme.⁴¹ Two of the previously listed initiatives stand out as potentially having a big impact on widows:

- 1) **Indira Gandhi National Old Age Pension Scheme (IGNOAPS)** - The elderly who are impoverished and over 60 are the target audience for the IGNOAPS program. Monthly cash payments are made to applicants between the ages of 60 and 79 (currently Rs. 200 per month), while applicants above 80 receive Rs. 500 per month.
- 2) **Indira Gandhi National Widow Pension Scheme-** The Indira Gandhi National Widow Pension Scheme was implemented in February 2009. This program is for widows who are poor and between the ages of 40 and 59. The central government funds this plan with its own money, contributing Rs. 300 every month.⁴²

These programs' primary shortcomings are that they are demand-driven, which means that they have an annual goal beyond which they are unable to provide funding. The submission of documents for the application of such programs, such as age verification, address evidence (a certificate issued by the resident authority), BPL ration cards, Aadhar cards, and husband's death certificate also presents a problem.⁴³ Sadly, widows in Vrindavan do not have access to all of this paperwork and consequently do not get much assistance.

Uttar Pradesh Widow Pension Scheme

Widows in the state of Uttar Pradesh get pensions from the state government. Any widows who have lost their husbands are eligible to apply for a widow pension plan. Under this arrangement, widows get a monthly payment of Rs. 300. Widows between the ages of 18 and 60 receive Rs. 300 per month if their names appear on the National Social Assistance Program's 2002 Below Poverty Line list.⁴⁴ But, compared to when the initiative was first implemented, the Rs. 300 is now worth less. It has become more expensive now that almost ten years have gone by. Consequently, widows under this system receive a sum of money that is not enough to pay their daily expenditures.

A drawback of this government initiative is that money must be sent to the beneficiary's bank account. Unfortunately, most widows in Vrindavan do not own a bank account because of illiteracy and lack of exposure. This plan's new applications

⁴⁰ The state shall provide effective measures for protecting the right to employment, education, and public assistance in cases of unemployment, old age, illness, or disability, as well as other unjustified poverty, within the bounds of its economic capacity and growth.

⁴¹ *National Social Assistance Programme: Introduction*, SIMPLY DECODED (January 12, 2013), <http://www.simplydecoded.com/2013/01/12/national-social-assistance-programme-introduction/>.

⁴² A. Vaidyanathan, *Supreme Court shocked by how bodies of Vrindavan widows are treated*, NDTV (August 03, 2012, 20:57 IST), <http://www.ndtv.com/india-news/supreme-court-shocked-by-how-bodies-of-vrindavan-widows-are-treated-495332>.

⁴³ Ananya Sengupta, *Format change to help widows*, THE TELEGRAPH, September 20, 2015, at 1.

⁴⁴ *Up widow pension scheme Form, List, Status Vidhwa pension yojana*, (March 02, 2024), <http://www.upjob.in/2016/03/up-widow-pension-scheme-form-list.html>.

are a major source of concern as well. Only in the event of new government objectives, funding increases, or the death of a current beneficiary will the state government consider new applications.

UNVEILING THE REAL-LIFE LANDSCAPE: THE DAILY LIVES OF VRINDAVAN'S WIDOWS

The researcher embarked on a journey to Vrindavan, a sacred city that serves as a haven for thousands of widows, to delve into the real-world practices surrounding their maintenance and property rights. This endeavour aimed to capture an authentic understanding of these rights at the grassroots level. Given the significant population of widows in Vrindavan, the task of gathering data from a representative sample was relatively straightforward. Thirty widows were carefully selected for the study, with nine chosen at random. Seven hailed from the Akhila Bhartiya Mahila Parishad (AIWC) Home for Senior Citizens, seven resided in ghats, and seven were tenants in apartments. To facilitate the research process, the researchers employed a combination of questionnaires and interviews.

Name of Shelter Home	Place	Controlled or run by
2 Mahila Ashray Sadan	Bhootgali Pagal Baba, Vrindavan	Uttar Pradesh Government
2 Mahila Ashray Sadan	Chetan Vihar, Vrindavan	Uttar Pradesh Government
Old Age Home for Women (Akhil Bhartiya Mahila Parishad)	Tarash Mmandir, Vrindavan	Central Government
Madham	Chatikara Road, Vrindavan	Mrs. Mohini Giri, daughter of Mr. V.V. Giri
Nepali Ashram	Parikrama Marg, Vrindavan	Private Authorities
Mahila Ashram	Tulsi Van, Vrindavan	Private Authorities

The table above (selected by researchers) provides a clear depiction of the asylums nestled within the sacred city of Vrindavan. Its primary objective is to highlight the presence of a Nepalese ashram among the various ashrams. This signifies that, apart from Indian widows, there is a notable population of widows from Nepal who have chosen to reside in Vrindavan, adopting the lifestyle of an Indian widow. Through conversations with the locals, the researcher uncovered that this holy city also hosts a small number of widows from Bangladesh and Nepal, in addition to the Indian widows.

The Holistic Landscape of Akhil Bhartiya Mahila Parishad Old Age Home

The Akhil Bhartiya Mahila Parishad (AIWC) women's old age home was chosen by the researcher from among above mentioned shelters. Originally operating under the Ministry of Social Welfare, it was renamed the Ministry of Social Empowerment on October 2, 1990. This shelter home accommodates approximately thirty widows, most of whom hail from the state of West Bengal. Each resident is over sixty years old, and AIWC offers them lifetime housing. The living arrangements consist of a single bed in a shared area for each individual. Additionally, the Akhil Bhartiya Mahila Parishad provides meals, which the widows greatly appreciate. They confirmed to the researcher that they receive a proper breakfast, lunch, evening snack, and dinner each day. A few of the widows had previously worked as maids in various households during their younger years. However, as they aged, they gradually ceased performing such household chores.

The old age authority granted the researcher access to each widow's personal file, which contained all the necessary information for their stay in the asylum. This included their initial address, husband's name, age at marriage, arrival date, and other pertinent details. The majority of the widows at the Akhil Bhartiya Mahila Parishad were expelled from their husbands' homes by their offspring. This was due to the offspring feeling obligated to care for them as they aged, which included bearing the costs of their health issues and other minor expenses.

Pension Schemes and Other Financial Aids

The AIWC widows shared with the researcher that their only source of pension benefits, totalling two thousand rupees, came from the Sulabh International Social Service Organization (NGO).⁴⁵ When the researcher inquired with the senior citizens' office about the absence of state pensions, they explained that they had previously applied for pensions from the Uttar Pradesh government, but had not received any response.

⁴⁵ Working on the directions of Supreme Court.

Upon visiting the kundas and ghats, it was revealed that, among the widows interviewed, only three were benefiting from the widow’s pension scheme. While they did receive a pension, several issues arose. Typically, widows obtain their funds through intermediaries due to a lack of access to information. Consequently, they receive significantly less than the stipulated amount each month, as the intermediary retains a portion as commission, despite the policy mandating a monthly payment of 300 rupees. A widow shared that she occasionally receives 150 or 160 rupees each month. This highlights that only a small fraction of widow beneficiaries are actually receiving pensions, and those who do receive them are unable to fully benefit from the pension program due to the commission charged by the intermediary.

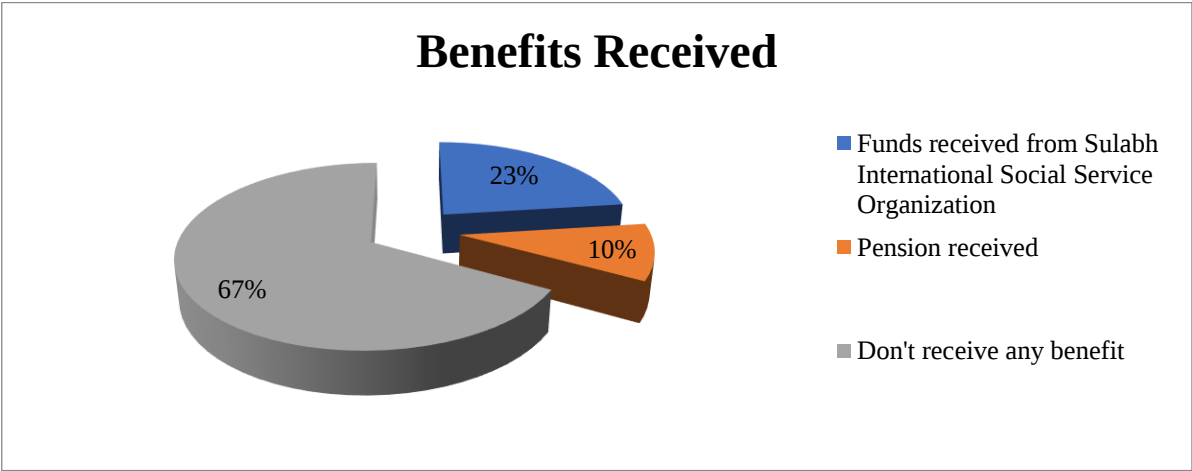


Fig. 2

The above pie chart, i.e., Fig. 2, depicts the field data collected by researchers. As per the data presented above, only 10% of Vrindavan’s widow population is enrolled in the supplemental pension scheme, while 23% receive a grant of 2000 rupees from the Sulabh International Social Service Organization. Shockingly, a staggering 67% of the widow population receives no pension or benefits whatsoever. Neither the government nor any groups extend support to this 67% of the population. This underscores the harsh reality that a significant portion of widows are deprived of financial assistance from both public and private entities.

Lives Amongst Temple, Ghats and Kundas

The researchers then journeyed to Vrindavan’s renowned Banke Bihari Temple and the Rangji Temple. Along the roadside, numerous elderly widows were seated. Through in-depth interviews, the researcher uncovered the most pressing issue in their lives: the lack of shelter. They were defenceless against the elements, enduring rain, cold, and heat without protection. They lamented that they could not even find sanctuary on the temple grounds, even in dire circumstances. The following graphic illustrates their current living arrangements:

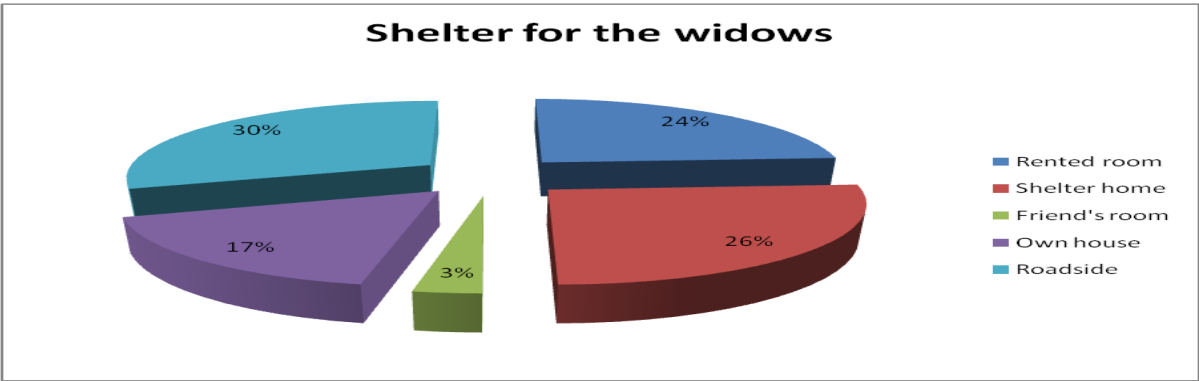


Fig 3.

According to the pie chart of Fig. 3 depicted above, 26% of widows live in shelters, 24% live in rented rooms, 3% live with their widowed partners, 17% live in their own homes, and 30% of widows live by the side of the road. This demonstrates the vast number of widows who are unable to get housing. Many of them are compelled to live by the side of the road because they are unable to obtain financing for rental accommodations.

In addition, when asked about food, they said they had to depend on the pilgrims who came to the Banke Bihari temple. As a result, widows approach them and beg for food, using whatever money they receive in exchange for alms. Not only that, but when they beg the temples for Prasad (holy food) out of hunger, they are turned down because they do not have enough money to pay the pujaris as chadava (money for serving God). In fact, by not giving it to the common populace in need, within two or three days the entire Prasad is wasted. Nonetheless, Akshaypatra is the only location in Vrindavan where free prasad (meal) is given twice a day. In essence, Akshaypatra is a location where children enrolled in government schools can get their midday meal. As such, they give away free food to everyone. However, because it is situated on the Chatikara road, Akshaypatra is located many kilometers distant from the main temples of Vrindavan. Widows cannot eat twice a day and go such a distance as a result.

They occasionally have to leave the temple streets where they usually sit because of the influx of pilgrims on weekends. The temple authorities provide them a great deal of additional problems in their lives, even despite their declining socio-economic standing. They claimed not to be aware of any government programs or policies when the researcher questioned them about benefits from the government. In addition, when asked if they had utilized their right to maintenance, most of them said they were unaware of it. This demonstrates that they were not even cognizant of the general legal provisions and pension advantages. The sentiments exhibited by these widows demonstrate the general dearth of knowledge regarding government policies and their rights.

The researchers then made her way from Vrindavan to Kesi Ghat, where she chatted with other widows. In this conversation, the researcher discovered several fascinating things. The investigator conducted an interview with a widow who lived in the Vrindavan locality. "My son lives in Faridabad with his family, and I live alone in Vrindavan. I visit him occasionally and come back. I do not want to be a burden on him as he is living there to raise their kids". However, later on, a few locals disclosed the truth about these widows' visits. Once these widows have amassed a certain sum from begging, they go to the homes of their children. Once the funds are depleted, the children once more compel the widows to leave their home. These widows then use this money on their children outside of their role as mothers. As a result, these widows are once more left penniless and without a family. Not just one or two widows experience this; this is typically the case for all widows who have children and reside elsewhere. Due to the lack of beds in the asylum and their inability to pay for rented quarters, a large number of local widows also resided at the houses of their acquaintances.

Bhajan Ashrams

In Vrindavan, there are two bhajan ashrams: Bhagwan Bhajan Ashram and Balaji Bhajan Ashram. Typically, widows from Vrindavan travel there in order to sing bhajans and offer prayers at these ashrams, but sadly, these ashrams don't pay them much. For doing bhajans for three to four hours straight, they get paid just four or five rupees. Many widows responded to this by saying that the ashram pays them far less, while other widows who do not go to these bhajan ashrams remarked that they may make more money by begging in front of the pilgrims. This indicates that there is a gap in the Bhajan Ashram payment process, which influences these widows' beliefs and greatly promotes begging.

Upon closely observing the widows of Vrindavan, certain aspects of them were evident. The issue of their shelter must be addressed first. Only a certain number of beds can be accommodated by the primary asylums in Vrindavan. Many widows are compelled to live by the side of the road because they are unable to get the minimal amount required to stay in rented rooms. In the end, this results in their right to shelter being violated. The scheduling of meals or the food itself is another major issue. Additionally, they are not required to eat twice a day. It's all up to their good fortune and hours of begging. They occasionally obtained food from bhandars, who distributed holy food to the general population on a massive scale, but they did not typically receive Prasad from temples. As a result, they too lack the right to eat.

The study also highlights the important fact that these widows lack the required official documentation. A widow does not have an Aadhar card if she has a ration card since she does not know how to apply for such official documents. This lets middlemen take advantage of them. The widows shared their experiences, stating that not many people approached them

and demanded a specific sum in order to obtain official documentation. The widows handed them these sums of money in the hopes that they would assist them in obtaining all the required paperwork. However, these individuals were duped and never returned. The majority of widows who reside outside of shelters have experienced this since, upon entering the facility, the authorities aid in preparing all government identification cards and other paperwork for the widows.

The widows who live by the side of the road and the widows who live in shelters have quite different life patterns and living situations, which the researcher examined and documented. The widows who resided beside the road were unable to shield them from the elements, including heat, cold, and water. Even these widows were utterly powerless to feed them. There is no one to take care of them in the event of illness or other issues. They are too elderly to receive assistance from others; they must help themselves. They are constantly the targets of indignity and humiliation. However, compared to those who lived by the side of the road, the widows who resided at the asylum are in a far better situation. First of all, they have a roof over their heads to shelter them, and secondly, they have regular access to food, something that roadside widows typically do not. The fact that these widows in the shelter receive medical assistance whenever they need it is another advantage. They also see doctors on a regular basis for health examinations. If nothing else, the widows at the asylum receive all the essentials of life that the widows on the highway do not. Thus, it may be concluded that widows living by the side of the road are in considerably worse shape than widows residing in shelters.

The study also observed a significant issue with widows' lack of awareness. The majority lack knowledge about government programs and policies, which might serve as their primary means of support. Because the government's policies and initiatives for widows' welfare do not reach the greatest number of widows, the study also demonstrates how improperly they are administered. But many of them lack even the most basic official identification cards and documentation, as was also highlighted earlier. They typically become victims of fraud in such circumstances if they attempt to obtain such documents with the assistance of strangers. That means that the government now has an obligation to help the widows of Vrindavan with the paperwork. For this reason, they can order the devolved government and its employees to present their identification cards by personally escorting them to the appropriate government office and educating them about the policies and programs designed to benefit them.

CONCLUSION AND SUGGESTIONS

Widows endure a life often more arduous than animals, marginalized and devoid of societal acceptance. Their rights to property and maintenance are often inadequate, exacerbating when their husbands pass away without leaving inheritance, rendering Section 8 of the Hindu Succession Act, 1956 ineffective. Consequently, they find themselves reliant on their children for sustenance under Section 20, a recourse rendered ineffectual in the absence of children. This predicament mirrors the challenges faced under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, the Domestic Violence Act, 2005, offers a ray of hope, placing the onus of maintenance on the brother-in-law, as established by various judicial precedents.

In numerous instances, widows face eviction from their homes, rendering them homeless- a stark reality underscored by field research. In response, both governmental and non-governmental entities must step in. While the government offers shelter homes (though often insufficient in capacity) and pension schemes for destitute widows, the tiny amounts provided prove inadequate for their sustenance. Empirical studies further reveal that widows in Vrindavan are denied their fundamental rights to food, shelter, and dignity as guaranteed under Article 21. In light of these challenges, the researchers propose several suggestions aimed at alleviating these pressing issues and bolstering the widows' circumstances:

- The existing legislation ought to be modified to accommodate the demands of the circumstances. For example, all laws, whether criminal or personal, impose the need to provide maintenance on the children or other family members. Therefore, the laws should provide for maintenance through increased government financing as well as assistance for individuals who do not have children or family members. For the welfare of these widows, all existing rights, including fundamental rights, that are enforceable by the state should be enforced through a decentralized administrative structure like a panchayat or another kind. However, the most important thing is to alter the current legal framework so that individuals, especially widows without children, can still take advantage of it.
- It is necessary to start awareness programs to let these widows know about their legal rights under personal laws.

- The state needs to help these widows by providing free legal aid if they do not have the money to sue their children for maintenance.
- There should be a proliferation of government programs and plans to guarantee that the large number of widows in Vrindavan are catered to. But more money needs to be put into the existing programs so that new widows (who are not benefited by any scheme) can utilize them.
- To carry out government programs, non-governmental organizations had to be contacted to assist these destitute widows. Every piece of official documentation ought to be ready for them. By providing them with information about the plans and policies of the government, these NGOs should help these widows. Simply said, government funds are given out in the form of programs, and it is the responsibility of NGOs to make good use of these funds by telling them to help these widows by allowing them to receive program benefits.
- An expert group needs to be established for the plans and programs to be implemented correctly.
- In order to provide the majority of Vrindavan widows with a place to dwell and access to extra amenities that are vital to their survival, new shelter homes should be constructed. It can also be suggested that regular inspections by the appropriate authorities pinpoint the exact position of the shelter homes that are currently in place.