

The Population Control Bill, 2019

A

Bill

to provide for measures to control the population in the country and for matters connected therewith and incidental thereto

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows :-

1. (1) This Act may be called as the Population Control Act, 2019.

*Short title, extent
and
commencement*

(2) It extends 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,-

a. “appropriate Government” in case of a state, the Government of that state, and in other cases, the Central Government;

Definitions

b. “committee” means the District Population Stabilising Committee set up under Section 5;

c. “employee of the Union Government” means any person who is serving in connection with the affairs of the Central Government or in any undertaking or organization under the control of the Central Government;

*Act to apply to
married
couples*

d. “fund” means the National Population Stabilisation Fund constituted under Section 10; and

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

3. Notwithstanding anything contained in any other law for the time being in force, this Act shall be applicable only to married couples, where the boy is not less than twenty-one years of age and the girl is not less than eighteen years of age.

4. The Central Government shall ensure that contraceptives are available at reasonable rates at all sub-health centres in the country.

*Availability of
Contraceptives*

5. (1) The appropriate Government shall set up district level monitoring committee to be known as District Population Stabilisation Committee in hundred districts with the highest recorded population growth rates for the purpose of this Act.

(2) The Committee shall consist of;

(a) the Chief Medical Officer of the district;

(b) the District Collector; and

(c) one representative from each Panchayat Samiti in the district.

*Setting of
District
Population
Stabilization
Committees*

(3) The Committee shall take steps to encourage the use of contraceptives and control the population growth rate in their concerned district in such manner as may be prescribed.

6. If both the husband and the wife in the case of a married couple, who have only one child, voluntarily undergo sterilisation/ operation, the appropriate Government shall provide them with the following benefits, namely:-

*Benefits to
couples who
opt to undergo
sterilisation/
operation*

(1) (a) preference to the single child for admission in institutes of Higher Education;

(b) preference for selection to the single child in Government jobs;

(c) such other benefits that may be prescribed by the appropriate Government.

7. If both the husband and the wife in the case of a married couple who are living below the poverty line, and having only one child, voluntarily undergo sterilisation/ operation, in addition to the benefits granted under Section 6 by the appropriate government, such married couple shall be eligible for payment from the Central Government a one time lump sum amount of sixty thousand rupees shall be given to the married couple by the Central Government if the single child is a boy or one lakh rupees if the single child is a girl.

*Special
Benefits to
couples living
Introducing
Population
Control in
School
Curriculum*

8. Both the husband and the wife in the case of a married couple, who have more than two children, shall be debarred from:-

(a) contesting in Lok Sabha, State Legislature, and Panchayat elections;

- (b) getting elected to the Rajya Sabha, the State Legislature, and similar elective bodies;
- (c) getting promotion in government services;
- (d) applying to 'Group A' jobs under the Central and State Governments;
- (e) receiving any kind of Government subsidy, in case the married couple falls in the Above Poverty Line category.

9. The appropriate Government shall introduce a compulsory subject relating to population control in all senior secondary schools in States where the average fertility rate is more than the replacement level of 2.1 children per woman.

10. (1) There shall be constituted a Fund called the National Population Stabilization Fund by the Central Government.

(2) The Central Government and the State Governments shall contribute to the Fund in such a ratio as may be determined by the Central Government:

Provided that the ratio shall be such that the States with higher fertility rate shall contribute in higher proportion compared to the States with lower fertility rate.

(3) The money collected under the Fund shall be redistributed to the States and Union Territories that have implemented reforms to control population and have been able to significantly reduce their population growth rate, in such manner as may be prescribed.

11. The Central Government shall provide adequate funds after due appropriations by the Parliament by law in this behalf, from time to time, for carrying out the purposes of this Act.

12. (1) After one year from the commencement of this Act, all employees of the Central Government shall submit an undertaking in writing to the respective appointing authority after one year of commencement of this Act that they shall not procreate more than two children:

*Constitution of
National
Population
Stabilisation
Fund*

*Utilization of
Funds*

*Provisions for
Central
Government
Employees*

Provided that the employees who already have more than two children at the commencement of the Act shall submit an undertaking that they shall not procreate any more children.

13. The Central Government when recruiting employees shall give preference to candidates having two or less than two living children.

(1) The employee of the central Government already having two living children may be allowed to procreate one more child in case of disability of living child or any such circumstances as prescribed in the rules.

(2) An employee of the Central Government whose action is found to be in violation of any provision of this Act shall be liable for dismissal from service.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying the purpose of this Act.

Power to make rules

15. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to override laws

STATEMENTS OF OBJECTS AND REASONS

India is projected to become the world's most populous country by 2024. Currently, India every year adds 15 million people to its population base by far the largest in the world. The problematic aspect is that India accounts for about 17 per cent of the world population with only 2.2 per cent of the world's land mass. The increasing population has resulted in an increasing pressure on the country's limited natural resources. As a result, we have witnessed a range of socio-economic issues in the past few decades such as large-scale environmental degradation, urban air pollution and the reduction in the size of agricultural holdings. Additionally, the state of the infrastructure in the country has failed to meet the demands of the growing population, Most parts of the country are suffering due to the absence of basic education and health facilities.

In the past three decades, India has made significant progress in decreasing population growth. As per the World Bank, the fertility rate in the country has decreased from 4.97 in 1975 to nearly 2.4 in 2015. It is expected in the coming decade the fertility rate in India will soon reach the replacement level of 2.1. However, despite the decrease in fertility rate, according to United Nations World Population Prospects report India's population will continue to increase up till 2050. Given the array of socio-economic issues arising as a result of overpopulation, it is important that India as a country starts focusing on steps to decrease population rather than just stabilising it. Additionally, the population growth is very uneven across the country. While some states have successfully been able to stabilize their population, northern states have witnessed and continue to witness high population growth. It is essential to focus on specific districts with high population growth rates to tackle the problem effectively.

The Bill, therefore, seeks to introduce incentives for population control and provides for constitution of a National Population Stabilisation Fund It is vital for us to realize that population control and enforcement of two child norms for Central Government employees are immediate measures, however steps such as providing contraceptives and encouraging family planning can possibly play a stronger role in decreasing the population growth rate in the long run.

Hence this bill.

New Delhi

Dr. Abhishek Manu Singhvi

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of District Population Stabilisation Committees that would work to provide assistance and information regarding population control. Clause 7 provides for lump sum cash amount to be given to married couples living below the poverty line as an incentive for population control. Clause 9 provides for the introduction of a compulsory subject on population control in schools of certain districts. Clause 10 provides for the establishment of the National Population Stabilization Fund. Clause 11 provides that the Central Government shall provide funds for carrying out the purposes of this Act. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union Territories. The State Governments will incur expenditure in respect of their States out of their respective consolidated funds. The Bill, therefore, if enacted, would involve an annual recurring expenditure of about five hundred crore rupees per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of details only, the delegation of legislative power is of normal character.

