

Bill No. 136 of 2021

THE POPULATION (CONTROL AND MANAGEMENT)
BILL, 2021

By

SHRI BHOLA SINGH, M.P.

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BILL

to provide for a comprehensive policy towards stabilizing the population of the country by providing voluntary and safe access to methods of contraception, establishment of a Population Planning Agency, promotion of schemes that incentivises the small family norm, creating awareness on family planning and providing access of education to empower every girl child and for all matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Population (Control and Management) Act, 2021.

Short title,
extent
and
commencement.

5 (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,—

Definitions.

10 (a) “Agency” means the National Population Planning Agency constituted under section 3;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “hospital” means any private or public healthcare institution that provides general, critical care or specialized healthcare;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “small family” means a family having one or two living children.

Constitution
of a National
Population
Planning
Agency.

3. (1) The Central Government shall, within one year of the coming into force of this Act constitute an Agency to be known as the National Population Planning Agency for carrying out the purposes of this Act. 5

(2) The Agency shall consist of:—

(a) Secretary, Union Ministry of Statistics and Programme Implementation—*ex-officio*, Chairperson; 10

(b) Secretary, Ministry of Health and Family Welfare — *ex-officio*, Secretary;

(c) Chairperson, National Commission for Women — *ex-officio* member;

(d) Secretary, Ministry of Women and Child Development — *ex-officio* member;

(e) Secretary, Ministry of Social Justice and Empowerment — *ex-officio*, 15 member;

(f) Secretary, Ministry of Education — member; and

(g) two persons, with experience of at least ten years in the social sector, one of whom shall be a woman.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Agency. 20

(4) The salary and allowances payable to and terms and conditions of services of the members, officers and staff of the agency shall be such as may be prescribed.

Functions of
the Agency.

4. The Agency shall—

(a) conduct nation-wise surveys at an interval of every five years to assess the growth in population and analyse the trends; 25

(b) formulate and implement the national population control strategy and monitor its implementation throughout the country;

(c) establish recreational centres at panchayat level to host traditional art forms to disseminate messages regarding family planning; 30

(d) formulate schemes to provide for free education up to college level for the first child and to the second child only if gap between the two is greater than three years;

(e) formulate schemes to provide weightage in Government jobs for the single child; 35

(f) ensure dissemination of proper information regarding safe family planning methods such as contraception and spacing between births;

(g) include in school curriculum a proper syllabus on the importance of population stabilization;

(h) undertake, promote and publish studies relating to the Indian population; 40

(i) conduct awareness campaigns relating to medical procedures regarding birth control; and

(j) undertake such other activities as may be prescribed by the Central Government.

	5. The Agency shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.	Meetings of the Agency.
	6. (1) The appropriate Government shall establish Family Planning Quality Assurances Committees at the State and District level.	Establishment of Family Planning Quality Assurance Committees at State and District level.
5	(2) The Committee shall,—	
	(a) ensure quality care in family planning services through accreditation of every hospital or clinic providing such services;	
	(b) conduct regular inspections to ensure that services are disseminated in accordance with standards established by the committee; and	
10	(c) establish a citizen's grievance redressal mechanism to assess into faulty disservice at any clinic or hospital.	
	7. Notwithstanding anything contained in any law for the time being in force, every person, who adopts the small family norm, shall be entitled to—	Incentive-based population control measures.
15	(a) two additional increment as incentive if the person is employed with the Central or the State Government;	
	(b) free healthcare at all the public healthcare institutions for the entire family;	
	(c) subsidised education for the children at public schools; and	
20	(d) receive such other benefits as may be prescribed by the Central Government from time to time.	
	8. The appropriate Government shall ensure that married couples have access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning and matters incidental and consequential thereto.	Access of safe and voluntary family planning measures.
	9. The appropriate Government shall —	Access to quality education to the girl child.
25	(a) ensure that measures are taken to secure the right to education of good quality for women and girls, on an equal basis with men and boys, and that they complete a full course of primary education; and	
30	(b) review efforts to improve and expand the education of girls and women at all levels, including at the secondary and higher levels, as well as vocational education and technical training, in order to, achieve gender equality, empowerment of women and poverty eradication.	
	10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide requisite funds for carrying out the purposes of this Act.	Central Government to provide funds.
35	11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
40	Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.	
	12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
45	(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 5 previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

India is the second most populous country in the world despite the fact that it was the first country to enact a national population control policy. Conversely, India's population has grown steadily since independence. Studies suggest that the country could surpass China's population by the year 2030, thereby, becoming the most populous country in the world.

A high human population can impact natural resources and social infrastructure, which in turn places pressure on a country's sustainability. Indian population accounts for 20 per cent. of the total world population, however, the Indian land area is only 2.5 per cent. of the total area of the world. In a developing country such as India where a large section of the population still lives in abject poverty with little to no resources, the need for stabilization of the population growth becomes crucial. A stabilized population ensures that every citizen can get access to the right amount of resources to live a life of dignity.

Adopting a rights-based approach, there is need to provide for voluntary and safe access to family planning services. The increase in access to family planning facilities will empower women. Additionally, access to these services allows spacing of pregnancy which can reduce pregnancy related health risks in women. It would also ensure that the infant is healthier thereby reducing infant mortality rate in the country. Therefore, a comprehensive policy for population stabilization can help in moving towards a healthier population.

Hence this Bill.

NEW DELHI;
July 20, 2021.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Population Planning Agency. It also provides for appointment of persons with experience in social sector as members, officers and staff to the Agency. Clause 6 provides for establishment of Family Planning Quality Assurance Committees at the State and District level by the appropriate Governments. Clause 7 provides for certain incentives for adopting of small family norm. Clause 8 provides for access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning. Clause 9 provides for access to quality education to the girl child. Clause 10 provides that the Central Government shall provide requisite funds carrying out the purposes of the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate 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 power is of a normal character.

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