

AS INTRODUCED IN LOK SABHA

Bill No. 246 of 2019

THE POPULATION CONTROL BILL, 2019

By

SHRI RAVI KISHAN, M.P.

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BILL

*to control the growth of population in the country and for matters connected therewith
or 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 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 a date, as the Central Government may, by notification
5 in the Official Gazette, appoint.

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

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of
that State and in all other cases, the Central Government;

- (ii) "Board" means the National Population Control Board constituted under section 3;
- (iii) "Fund" means the Population Control Fund constituted under section 5; and
- (iv) "prescribed" means prescribed by rules under this Act.

Constitution
of National
Population
Control
Board.

3. (1) The Central Government shall, within six months of the coming into force of this Act, constitute a Board to be known as the National Population Control Board.

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(2) The Board shall consist of—

(a) a Chairperson, having such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(b) Secretaries of the Union Ministries of Human Resource Development, Health and Family Welfare, Social Justice and Empowerment, Panchayati Raj and Minority Affairs as members;

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(c) Chief Secretaries of State Governments as members;

(d) Director of the Institute of Population Studies as member;

(e) Director of the National Institute of Health and Family Welfare as member;

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(f) one representative each from the Medical Council of India and Family Planning Association of India as member;

(g) two members from non-Governmental Organisations working in the field of population control as members to be appointed by the Central Government in such manner as may be prescribed; and

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(h) two persons having experience in the field of population studies to be appointed by the Central Government in such manner as may be prescribed.

Functions and
Duties of
Board.

4. The Board shall—

(i) formulate two child norm policy within six months of its constitution;

(ii) implement two child norm policy;

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(iii) recommend to the Central Government the penalty to be imposed on persons who do not follow the two child norm policy;

(iv) recommend to the Central Government the incentives to be given to persons who follow two child norm policy;

(v) formulate a coherent, integrated and comprehensive long-term plan which shall ensure continued implementation of two child norm policy;

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(vi) organise family planning workshops and launch family planning clinics;

(vii) undertake, promote and publish studies and investigations on Indian population in all its aspects;

(viii) collect and disseminate technical and scientific information relating to medical, social, economic and cultural phenomena which affect or are affected by population;

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(ix) call upon any department, bureau, office or agency or instrumentality for such assistance as it may require for the efficient performance of its functions;

(x) establish and adopt qualitative goals for the implementation of two child norm policy;

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(xi) undertake study on the effects of rates of population growth on family;

(xii) frame syllabus for inclusion of family planning in the school curriculum and higher education;

(xiii) provide safe and effective means to couples desiring to space or limit family size;

5 (xiv) suggest measures to reduce mortality and morbidity rates;

(xv) formulate policies and programs aimed at guiding and regulating labour force, internal migration and spatial distribution of population;

(xvi) co-ordinate with international agencies and private organizations concerned with population problems to overcome the problem of rising population; and

10 (xvii) undertake such other tasks as may be assigned to it by the Central Government.

5. (1) The Central Government shall constitute a Fund to be known as the Population Control Fund for carrying out the purpose of this Act.

National
Population
Fund.

(2) The following shall be credited to the Fund—

15 **(i) contributions and grants from the Central Government; and**

(ii) donations and grants from sources within and outside India.

(3) The Fund shall be utilised by the Board in such manner as may be prescribed:

Provided that not more than fifteen percent of the Fund of the Board shall be utilized for meeting expenses of the Board.

20 **6. (1) The Board shall meet at least once in a month at such place and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed.**

Meetings and
Committees.

(2) The Chairperson or, if he is unable to attend, such other member of the Board, as may be chosen by the members present at the meeting from amongst themselves, shall
25 preside over the meeting.

7. The Board shall constitute continuing or ad-hoc committees consisting of such number of members of the Board or such other experts as may be deemed necessary to conduct studies for the Board, or to assist it in the efficient discharge of its functions.

Board to
constitute
Committees.

30 **8. (1) The Board shall appoint an Executive Director who shall be the Secretary to the Board.**

Other Staff of
the Board.

(2) Subject to the direction and supervision of the Chairperson of the Board, the Executive Director shall be responsible for the operation of the national population program, preparing periodic progress of program and annual budget estimates, and for recommending policy to the Board, and perform such other duties as may be prescribed.

35 **(3) The Board shall appoint such other staff as may be necessary to carry out the provisions of this Act and shall arrange for such services as the Chairperson may deem necessary for the performance of the Board's work.**

40 **9. The salary and allowances payable to and other terms and conditions of service of Chairperson, members, Executive Director and other staff and officers of the Board shall be such as may be prescribed.**

Salary and
allowances of
Chairperson
and members
of the Board.

Annual
report and its
laying before
Parliament.

10. (1) The Board shall prepare once every year in such form, as may be prescribed, an annual report giving summary of its activities including information relating to plans, programs and policies relating to population control during the previous year and such report shall contain statements of annual accounts of the Board.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be, after it is received, before each House of Parliament. 5

Overriding
effect of the
provisions of
the Act.

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

Central
Government
to provide
adequate fund.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such amount of funds to the State Governments, as may be necessary for carrying out the purposes of this Act. 10

Power to
make rules.

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

(2) Every rule made under this section 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 modifications in the rule of both the Houses agree that the rules should not be made, the rules 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 the rule. 15 20

STATEMENT OF OBJECTS AND REASONS

One of the most serious social and economic problems that are being faced by India today is its large population and rapid growth. Our Government has regarded a growing population as a catalyst for bringing about swift economic development. We have been following the growth differently, with one-fifth of the world's population but only five per cent, of the world's arable land. Continuing rapid population growth would bring about hardships, extreme poverty, and famine in the country. Soon we are going to be the number one country in the world in population. The need is to frame a policy to ensure that India which has been historically prone to severe floods and natural disasters and facing problems of high urban growth of population and migration, is able to feed its people. The rapid population growth that occurred after the independence could not be controlled by subsequent Governments with policies prevalent from time to time. We don't have legislation for population control. The existing policies has at times been praised as an effective tool for ensuring the moderate control but not able to control its large population. To increase the share of each Indian in the fruits of economic progress and meeting the grave social and economic challenge of a high rate of population growth, a national legislation which respects the secular beliefs of the Constitution and applies to all equally is required to be framed.

Hence this Bill.

NEW DELHI;

RAVI KISHAN

November 1, 2019.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Population Control Board. Clause 4 provides for providing incentives to the persons following two child norm policy. It also provides for publishing of studies of the Board. Clause 5 provides for constitution of the Population Control Fund. Clause 7 provides for constitution of adhoc committees for assisting the efficient discharge of functions. Clause 8 provides for appointment of other staff for supporting the functioning of the board. Clause 9 provides for salary and allowance of chairperson and other members of the Board. Clause 12 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. Moreover, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 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 power is of a normal character.

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