

AS INTRODUCED IN LOK SABHA

**Bill No. 270 of 2019**

THE POPULATION (STABILIZATION & PLANNING)  
BILL, 2019

By

SHRI SUSHIL KUMAR SINGH, M.P.

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BILL

*to provide for the stabilization of population in the country through setting up of a National Population Planning Authority at the national level and a District Population Planning Committee in each district to encourage and promote family planning in order to ensure a population which is in tandem and commensurate with the resources and development of our nation, to improve health of the women and empower them, recognizing both men and women as an important stakeholder in the family planning process, to improve standard of living of the citizens and for the 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 the Population (Stabilization & Planning) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification  
5 in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

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

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

(b) “annual report” means the report prepared by the National Population Planning Authority;

(c) “Authority” means the National Population Planning Authority constituted under section 4;

(d) “Committee” means the District Population Planning Committee constituted under section 11;

(e) “medicine” means medicine prescribed by a certified medical practitioner for sterilization and matters connected therewith and incidental thereto;

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

(g) “public servant” shall have the same meaning as assigned to it under section 21 of the Indian Penal Code, 1860; and

(h) “small family” means a family having not more than two living children.

Healthcare professionals to be deemed public servant.

**3.** For the purpose of this Act, every healthcare professional shall be deemed to be a “public servant”.

Constitution of National Population Planning Authority.

**4. (1)** The Government shall, within one year of the coming in force of this Act, establish a National Population Planning Authority for carrying out the purpose of this Act.

**(2)** The Authority which shall consist of:—

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

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

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

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

(e) Secretary, Ministry of Human Resource Development — member; and

(f) two persons, with experience of at least fifteen 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 Authority;

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

Meetings of the Authority.

**5. (1)** The Authority shall meet at such times and places as appointed by the Chairperson and shall abide by such rules of procedure in regard to transaction of business at its meetings, as may be prescribed;

**(2)** The expenditure incurred for the meetings shall be borne out of the funds provided to it by the Central Government.

Functions of the National Population Planning Authority.

**6. (1)** The Authority shall,—

(a) prepare a plan for family planning in the country, which shall include;

(i) conducting surveys across the country;

(ii) formulating a strategy to specifically target the regions with high maternal and infant mortality rate;

- (iii) specific identification of the high density and high Total Fertility Rate (TFR) areas and formulate plans for such regions accordingly;
- (iv) creating a mechanism for ensuring quality medicine procurement;
- (v) preparing a strategy for ensuring equal participation of both male and female in the sterilization process;
- (vi) evolving schemes for encouraging participation of both the male and the female in the family planning process;
- (vii) preparing a plan for the counselling of the male and the female, to be implemented by the District Population Planning Committee;
- (viii) preparing a strategy to popularize and promote spacing of at least two years between two children;
- (ix) framing school curriculum on the population stabilization and provide for a mechanism of inclusion of the same;
- (b) create awareness on the benefits of a small family through various programmes;
- (c) provide for a framework for the training of the healthcare professionals;
- (d) examine, recommend and formulate a strategy for integration and convergence of the existing schemes; and
- (e) perform any other function, which the Central Government may prescribe from time to time.
- (2) The Authority shall strive to promote the small family norm and suggest measures to discourage violation of the small family norm.

**7. (1) Notwithstanding anything contained in any law for the time being in force, every person, who adopts the small family norm, shall be entitled to—**

Incentives for adhering to small family norm.

- (a) one 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; and
- (c) receive such other benefits as may be prescribed by the Central Government from time to time.
- (2) If either or both the children are female, the female child or children, as the case may be, shall be entitled to free education till the graduation level, the assistance for which shall be provided by the appropriate Government.

**8.** The Government shall strive to promote a spacing of at least two years between from the date of delivery of the first child and the onset of second pregnancy.

Promote spacing in child births.

**9. The appropriate Government shall ensure that people have access to quality and affordable contraceptive medicines and healthcare pertaining to family planning and matters incidental and consequential thereto.**

Appropriate Government to ensure access to quality and affordable medicines, healthcare.

**10. (1)** The appropriate Government shall, as far as possible, designate the eldest married woman in the household as the head of the household under various welfare programmes.

Designating women as head of the household in welfare programmes.

Constitution  
of District  
Population  
Planning  
Committee.

**11. (1) The appropriate Government shall constitute a District Population Planning Committee in every district for purposes of this Act.**

**(2) The Committee shall consist of—**

**(a) the District Collector — *ex-officio* Chairman;**

**(b) the Chief Medical Officer of the district — *ex-officio* member;**

**(c) One representative of the Municipal Council — *ex-officio* member;**

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

(3) For the purpose of appointments of persons under clause (d) the appropriate Government shall consult public representatives of the concerned district.

Functions of  
the District  
Committee.

**12. (1) The Committee shall,—**

**(a) implement the policies and plans formulated by the National Population Planning Authority;**

**(b) coordinate and consult with the village Panchayat for formulation and implementation of the plan at the village level;**

**(c) provide counselling facilities to male and female pertaining to family planning and matters incidental and consequential thereto through healthcare professionals;**

**(d) to carry out an annual survey to collect data on small families in the district;**

**(e) distribute contraceptives through health-care centres and Non-Governmental Organizations;**

**(f) organize sterilization camps;**

**(g) publicize benefits of having a small family;**

**(h) engage with non-Governmental Organizations and other social groups for promoting the small family norm;**

**(i) recommend to the appropriate Government from time to time regarding measures to be taken to encourage family planning measures and improve the standard of living; and**

**(j) perform any other function, which the appropriate Government may prescribe, from time to time.**

(2) The Committee shall take into account the representation made before it by the village Panchayat representatives, to be nominated by the village Panchayat, at least one of whom shall be a woman.

Central  
Government to  
provide funds.

**13. The Central Government shall, after due consultation with the concerned State Governments, and after due appropriation made by the Parliament in this behalf, provide requisite funds for carrying out the purposes of this Act.**

Publication of  
Annual  
Report.

**14. (1) The Authority shall publish once every year, a report in such form and manner as may be prescribed.**

**(2) The Central Government shall cause such report to be laid before each House of Parliament as soon as it is received.**

Act not in  
derogation of  
other law.

**15. The provisions of this Act shall not be in derogation of any other law for the time being in force.**

Power to  
remove  
difficulty.

**16. 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 be necessary or expedient for removing any difficulty:**

Provided that no such other shall be made under this section after the expiry of three years from the date of commencement of this Act.

**17.** (1) The Central Government may, by notification, in the Official Gazette, make rules for carrying out purposes of this Act. Power to make rules.

5           (2) Every rule made under this Act 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  
10 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 previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The census of 2011 estimated India's population to be around one hundred and twenty one crores, which, by 2017 is estimated to come closer to one hundred and thirty crores. As per Registrar General of India, by 2026, India's population will be 139.9 crore. India, at present, is world's second most populated country and is set to overtake China by 2030. India accounts for only 2.4 per cent. of the total area of the world, while accounting for 16.9 per cent. of its total population, which represents the huge stress that is being created on the resources of the nation. Such high level of population has further caused and continues to cause high levels of inequality, poverty, hunger and deterioration in standard of living, which is evident from India's miserable performance on the indicators of Human Development Index (HDI) and others.

Article 38 of the Indian Constitution puts the onus on the State to secure a social order for the promotion of welfare of the people which includes reduction of inequalities in income, status, facilities and opportunities. However, the existing levels of population make it difficult to achieve the goals stated under the Directive Principles of the State Policy, whereby State is overburdened with the responsibility of creating enormous infrastructure to sustain such high population, besides other stresses such as ensuring healthcare, reducing poverty and improving quality of life, while the resources to provide such facilities remain limited and continue to deplete with the rising level of population.

In the light of the given situation, it is imperative that appropriate steps be taken to stabilize and control the tremendous growth of population so as to distribute the resources more equally and equitably and to improve the standard of living of the people of India. Such a policy is a requirement of the time so that the Directive principles of State Policy could be put in the policy framework in their spirit. There is also a need to recognize the equal participation of both male and female in the family planning process and need for empowering women in the decision making process. Emphasis has also to be laid on the educational levels across the country, especially in the regions of high Total Fertility Rate (TFR). Moreover, it is also imperative to ensure that the related medicines are available at affordable rates and that responsibilities are established in the cases of violation of norms by the healthcare professionals.

The Bill effectively provides for the setting up of a National Population Planning Authority and a Committee at the district level, measures which shall be initiated to stabilize and do planning for the population in the country through measures such as spreading education, awareness, empowerment of women and recognition of both male and the female as equal partners in the family planning process. The Bill is a significant step towards the overall development of the nation and ensuring economic as well as social equality.

Hence this Bill.

NEW DELHI;  
October 31, 2019.

SUSHIL KUMAR SINGH

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of a National Population Planning Authority and appointment of such officers and staffs for its functioning. Clause 5(2) provides for the Central Government to bear the expenditure incurred for the meetings of the authority. Clause 7 provides for incentives for small family norm. Clause 9 provides for the appropriate Government to ensure access to quality and affordable medicines, healthcare. Clause 11 provides for the constitution of a District Population Planning Committee. Clause 13 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve an expenditure of rupees five thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees three hundred crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 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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*(Shri Sushil Kumar Singh, M.P.)*