

**Bill No. 233 of 2019**

THE POPULATION CONTROL BILL, 2019

By

SHRI AJAY BHATT, M.P.

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BILL

*to provide for population control by adoption of small family norms and for matters connected therewith.*

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.

(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) "child" includes an adopted child;

(c) "District Committee" means the District Population Control Committee 5 constituted under section 7;

(d) "Fund" means the Population Control Fund constituted under section 13;

(e) "local officer" includes an officer or employee of Gram Panchayat and local urban bodies, principals of Government and non-Government schools and doctors of Government and aided private hospitals; 10

(f) "local representative" means representative elected by the public in Gram Panchayat and Urban local bodies;

(g) "person" means any married man or woman;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "small family" means a family with two living children; and 15

(j) "State Committee" means the State Population Control Committee constituted under section 5.

No person to procreate more than two living children.

3. No person shall procreate more than two living children after a period of one year from the date of commencement of this Act.

Appropriate Government to encourage and promote small family norms.

4. (1) **The appropriate Government shall encourage, promote and motivate married couples to opt for small family norms by providing them aid and incentives in such manner as may be prescribed.** 20

(2) **The appropriate Government may also provide such additional incentives, as may be prescribed, to the married couples who opt for having one living child only.**

Constitution of State Population Control Committee.

5. (1) **The appropriate Government shall, with prior permission of the Central Government, constitute a State Committee to be known as the State Population Control Committee for the implementation of the provisions of this Act.** 25

(2) The State Committee shall consist of:—

(a) Principal Secretary/Secretary, Ministry of Health and Family Welfare in the State Government—Chairperson *ex-officio*; 30

(b) Principal Secretary/Secretary, Ministry of Panchayati Raj in the State Government—Member *ex-officio*;

(c) Principal Secretary/Secretary, Ministry of Urban Development in the State Government—Member *ex-officio*;

(d) Director General, Ministry of Health and Family Welfare in the State Government—Member-Secretary. 35

Function of the State Population Control Committee.

6. The State Committee shall—

(a) encourage, promote and motivate the newly married couples to opt for small family norms;

(b) prepare a list of couples who opt for small family norms and update the list, from time to time; 40

(c) provide reservation or preference in Government job to those couples who opt for small family norms;

(d) provide free legal aid to those who opt for small family norms; and

(e) supervise the functions of the District Committee.

5       **7. (1) The appropriate Government shall, in consultation with the State Committee, constitute a District Committee to be known as the District Population Control Committee for every district under its jurisdiction for carrying out the purposes of this Act.**

Constitution of District Population Control Committee.

(2) The District Committee shall consist of:—

10       (a) District Magistrate—Chairperson, *ex-officio*;

(b) one representative of Panchayat each at village, *Kshetra* or district level in the district—Member *ex-officio*;

(c) one representative of Municipal Council or Corporation, as the case may be, in the district—Member *ex-officio*;

15       (d) Chief Medical Officer—Member-Secretary.

(3) The term of the District Committee shall be five years.

**8. The District Committee shall—**

(a) carry out the directions given by the State Committee, from time to time;

20       (b) encourage, promote and motivate the newly married couples to opt for small family norms; and

(c) propagate and disseminate within the district the provisions of this Act through the local officers and local representatives.

Functions of the District Population Control Committee.

25       **9. (1) The meetings of the State Committee and of District Committee shall be convened at least once in three months or every month at such place and on such time as may be prescribed, respectively.**

Meetings of the State and District Committee(s).

(2) The Member-Secretary of the State Committee or the District Committee, as the case may be, shall call for the meeting with the permission of the Chairperson of the concerned Committee.

30       (3) The Member-Secretary of the State Committee or the District Committee, as the case may be, shall keep the minutes of the proceedings of meeting in such manner as may be prescribed.

(4) The State Committee or the District Committee, as the case may be, shall regulate its procedure.

35       (5) All orders and decisions of the State Committee or the District Committee, as the case may be, shall be duly authenticated by the Member-Secretary of the concerned Committee.

**10. (1) Notwithstanding anything contained in section 3, a couple may opt to procreate more than two living children if—**

Exceptions.

40       (a) the mother has been diagnosed with twins in womb after having one living child; or

(b) the couple has no child and the wife has been diagnosed in the medical checkup with three children in womb; or

45       (c) a person has one or more living children from his first marriage and the marriage has been dissolved by reasons of divorce or death of the couple spouse, in such case the person may opt to procreate two living children from second marriage.

(2) Any couple who intends to procreate more than two living children as provided under sub-section (1) shall apply to the District Committee for necessary permission in such manner as may be prescribed.

(3) The District Committee shall, on receipt of application under sub-section (2), examine the reasons furnished by the applicant and grant necessary permission within a period of one month from the date of receipt of application under sub-section (2), in such manner as may be prescribed: 5

Provided that if the District Committee is not satisfied with the reasons as specified by the applicant it may, after giving the applicant a reasonable opportunity of being heard, reject the application. 10

(4) If the District Committee deems it necessary to refer the application received under sub-section (2) to the State Committee, the State Committee shall communicate its decision to the applicant within a period of fifteen days from the date of receipt of such reference from the District Committee.

Officers and employees of Committee.

**11. (1) The appropriate Government shall provide the State Committee and the District Committee, as the case may be, with such officers and employees as may be necessary for efficient performance of the functions assigned to them under this Act.** 15

**(2) The salary and allowances payable to and other terms and conditions of their services of the officers and other employees, shall be as may be prescribed.**

Vacancies, etc. not to invalidate proceedings of commission.

**12. No act or proceedings of the State Committee and the District Committee, as the case may be, shall be questioned or invalid on the ground of existence of any vacancy or defect in the constitution of the Committee(s).** 20

Population control Fund.

**13. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Population Control Fund to meet the expenditure to implement the provision of this Act including propagation and dissemination of the provisions of this Act, salary of officers and employees and remunerative and allowance of the members of the State Committees and District Commission.** 25

**(2) The Fund shall consist of:—**

**(a) budgetary allocation made in Annual Budget by the Central Government;**

**(b) receipt of amount of fines imposed under section 14;** 30

**(c) donation or contribution from National or International Charitable institutions or from individuals as permitted by the Central or State Government, as the case may be; and**

**(d) amount contributed under corporate social responsibility.**

**(3) The Fund shall be administered by the District Committee in consultation with the State Committee.** 35

Penalty for contravention of the Act.

**14. Any person who contravenes the provision of section 3 of this Act shall,—**

**(a) not be entitled to avail any benefit under welfare schemes of the appropriate Government;**

**(b) pay the fine which may extend upto rupees fifty thousand as social compensation fees in such account head of treasury as may be prescribed:** 40

Provided that if a person neglects or refuses to pay the fine as social compensation fee, the District Committee may recover such fee as the arrear of land revenue from such person in such manner as may be prescribed; and

(c) not be eligible to apply for any Government job and if such person is already in Government job then he shall not be eligible to get promotion for next five years.

5 **15.** After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

Insertion of new section 8B in Act No. 43 of 1951.

“8B. A person having two or more than two living children on the date of commencement of this Act shall be disqualified and not eligible to contest any election if he procreates any more living child after the commencement of this Act.”.

10 **16.** If any difficulties arises in giving effect to the provision of this Act, the Central Government may, by notified order, make such provisions not inconsistent with the provision of this Act as appears to it to be necessary or expedient for removing the difficulties:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

15 **17.** The provisions of this Act shall have effect notwithstanding anything contained to the contrary in any other law for the time being in force.

Act to have overriding effect.

**18.** (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.

20 (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 House 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 previously done under that rule.

25 (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

Next to China, India is the second largest populated country in the world. As the population rises, so will poverty. Being a developing country, the increasing growth rate is dragging India into a vicious cycle of population and poverty, which leads to a development trap. This further increases other problems like illiteracy, unemployment and inflation.

Over population is a hindrance in the path of India's economic development. Family planning awareness should be sown among the younger generations. Smaller families contribute to the well being of the individual as well as India's economy. Population control is the appropriate alternative for India to promote, sustain and enhance development. Higher population results in lower resource availability. Rapid population growth affects capital formation, food shortages, consumer prices and social and political unrest.

Therefore, it is necessary to enact a law to put a check on increasing population at the earliest and make effective provisions to control the population of India.

Hence this Bill.

NEW DELHI;  
*June 27, 2019.*

AJAY BHATT

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for incentives to the married couple opting for two children. It also provides for incentives to married couple opting for one child norm. Clause 5 provides for constitution of State Population Control Committee. Clause 7 provides for constitution of District Population Control Committee. Clause 11 provides for appointment of officer and staff to the State Committee and District Committee. Clause 13 provides for constitution of Population Control Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 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 a of a normal character.



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*(Shri Ajay Bhatt, M.P.)*