

**Bill No. 74 of 2021**

THE POPULATION (CONTROL) BILL, 2021

By

SHRI RAJENDRA AGRAWAL, M.P.

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BILL

*to provide for measures and methods to control population and a comprehensive policy towards stabilizing the population of the country, promotion of schemes that incentivizes the small family norm, establishment of a National Population Control Authority and creating awareness regarding family planning 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) Act, 2021.

(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.

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) "Authority" means the National Population Control Authority constituted under Section 9; (c) "centre" means the Small Family-cum-Child Centre established under section 5; and (d) "prescribed" means prescribed by rules made under this Act.	5
Central Government to encourage, promote and motivate small family norm.	3. It shall be the duty of the Central Government to encourage, promote and motivate married couples to opt for small family norm with a view to control the increasing population in the country.	10
Establishment of Small Family-Cum-Child Welfare Centres.	4. (1) <b>The appropriate Government shall, by notification in the Official Gazette, establish centres to be known as the 'Small Family-Cum-Child Welfare Centres', for every ten thousand of population in rural areas and for every thirty thousand in urban areas.</b> (2) The Centre shall take steps for setting up of adequate facilities for — (a) guiding the married couples in the use of preventive methods of birth control; and (b) <b>providing the married couples with suitable birth control devices free of charge.</b> (c) <b>carrying out sterilisation operations including post operation care of the persons who undergo operation and supply of necessary medicines to them free of charge; and</b> (d) <b>ensuring arrangements for complete medical care to every child upto the age of five years free of charge.</b>	15
Time gap between Children.	5. Any married couple shall not procreate second child within six years from the birth of first living child.	30
Insertion of new section 8B in Act No. 43 of 1951.	6. After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—	43 of 1951
Disqualification procreating more than two living children.	<b>"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 one year after the commencement of this Act."</b>	35
Undertaking by the Government Employees.	7. Every Government employee shall submit an undertaking in writing to the designated Authority that he shall not procreate more than two living children:  Provided that the Government employees having more than the two living children on or before the commencement of this Act shall not procreate any more living child one year after such commencement.	40

**8. (1) The Central Government shall, within one year of the coming into force of this Act, constitute an Authority to be known as the National Population Control Authority for carrying out the purpose of this Act.**

Constitution of National Population Control Authority.

(2) The National Population Control Authority shall consist of—

5 (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;

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

(e) **two persons, with experience of at least fifteen years in the social sector, one of whom shall be a women to be appointed by Central Government in such manner as may be prescribed;**

15 (3) **The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient 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.**

20 9. The Authority shall—

Functions of the Authority.

(a) recommend to the appropriate Government, the measures for the population control;

(b) encourage, promote and motivate the newly married couples not to procreate more than two living children;

25 (c) ensure dissemination of proper information regarding safe family planning methods such as contraception and spacing between birth of two children; and

(d) undertake such other functions as it may deem fit and expedient for the purposes of this Act.

30 10. The Authority 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 Authority.

11. If any Government employee contravenes the provisions of section 8, he shall not be eligible for any further promotion and increment during the service.

Penalty.

35 12. **The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.**

Central Government to provide funds.

40 13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appears to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulty.

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

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

Power to make  
rules.

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

(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 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.

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## STATEMENT OF OBJECTS AND REASONS

India is the second most populous country after China. It is estimated that it will surpass China's population by the year 2030, becoming the most populous country in the world. Having only 2.4 per cent of global land area, we have more than seventeen per cent of the global population making it one of the most densely populated nations of the world. This scenario is compelling; at least half the population live in slums and under squalid conditions. The boom has created overcrowding due to which law and order situation is deteriorating. Unemployment is rising rapidly causing frustration amongst the unemployed, particularly the youth who are being lured by anti-national and anti-social elements. There is unparalleled transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller. The housing needs are far beyond the available finances and the shortage is appalling. Educational facilities are becoming hopelessly poor. Overcrowding is also causing environmental degradation.

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. It is, however, unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. An attempt has been made through this Bill to offer a comprehensive package for the control of booming population.

The need is to not just prepare the masses for family planning and population control, but also provide them with medical equipments and contraceptives to do it effectively. The need is also to provide better opportunities for girl child to become an active member of labour force and contribute to national development.

The Bill, therefore, seeks to provide for measures and methods to control population and a comprehensive policy towards stabilizing the population of the country, promotion of schemes that incentivizes the small family norm, establishment of a National Population Control Authority and creating awareness regarding family planning.

Hence this Bill.

NEW DELHI;  
*October 25, 2019.*

RAJENDRA AGRAWAL

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Small Family-Cum-Welfare Centres across the country in rural and urban areas. Clause 8 provides for the constitution of National Population Control Authority for carrying out the purposes of this Act. It also provides for appointment of persons with experience, officers and staff to the Authority. Clause 12 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 expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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