

Bill No. 81 of 2021

THE POPULATION CONTROL BILL, 2021

By

DR. NISHIKANT DUBEY, M.P.

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BILL

*to provide for measures to control the population in the country
and for 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.

5 (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,—

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

Short title,
extent and
commencement.

Definitions.

(b) “Committee” means the District Population Stabilisation Committee constituted under section 5;

(c) “Fund” means the National Population Stabilisation Fund constituted under section 9; and

(d) “prescribed” means prescribed by the rules made under this Act. 5

Act to apply to married couples.

3. Notwithstanding anything contained in any other law for the time being in force, this Act shall apply to married couples, where the boy is not less than twenty-one years of age and the girl is not less than eighteen years of age.

Availability of contraceptive.

4. The Central Government shall ensure that contraceptive devices are available at reasonable rates at all health centres in the country. 10

Constitution of District Population Stabilisation Committee.

5. (1) The appropriate Government shall constitute Committees to be known as District Population Stabilisation Committees in one hundred districts having highest recorded population growth rates.

(2) The Committee shall consist of,—

(a) the Chief Medical Officer of the district; 15

(b) the District Collector; and

(c) one representative from each Panchayat Samiti in the district.

(3) The Committee shall take steps to encourage and motivate married couple to use contraceptive methods to control the population growth rate in their concerned district in such manner as may be prescribed. 20

Facilities to single child.

6. (1) If either the husband or the wife voluntarily undergoes sterilization, after one living child, the appropriate Government shall—

(a) give preference to the single child in admission to institutes of higher education;

(b) give preference to parents or single child in Government jobs; and

(c) provide such other benefits to the family as may be prescribed. 25

(2) Where either the husband or the wife voluntarily undergo sterilization, and such couple is living below poverty line, the Central Government shall pay to such couple a lump sum amount of sixty thousand rupees if the single child is a boy or one lakh rupees if the single child is a girl.

Disqualification for married couples with more than two living children.

7. Where a married couple procreates more than two living children, they shall be ineligible to:— 30

(a) be chosen to fill a seat in the House of the People, the Council of States, State Legislative Assemblies, State Legislative Councils, Panchayats and other similar elected representative bodies;

(b) get promotion in Government service; 35

(c) apply to ‘Group A’ posts under the appropriate Government; and

(d) receive any kind of Government subsidy, in case such married couple falls in the above poverty line category as may be prescribed by the appropriate Government.

Introduction of compulsory subject on population control in secondary schools.

8. The appropriate Government shall introduce a compulsory subject as to population control in all senior secondary schools in the State. 40

Constitution of National Population Stabilisation Fund.

9. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Population Stabilisation Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such a ratio as may be prescribed:

Provided that the ratio shall be such that the States with higher fertility rate shall contribute in higher proportion compared to the State with lower fertility rate.

5 **(3) The money collected under the Fund shall be redistributed in such manner as may be prescribed, to those States and Union territories, which have been able to significantly control their population growth rate.**

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

Central Government to provide funds.

11. After one year from the commencement of this Act, every employee of the Central Government shall submit an undertaking in writing to the respective appointing authority that he shall not procreate more than two living children:

Undertaking by the Government employees.

15 **Provided that if an employee who has more than two living children at the commencement of the Act shall submit an undertaking that he shall not procreate any child.**

12. (1) If any person who has any living child with disability, such person may seek permission to have two living children.

Miscellaneous provisions.

(2) An employee of the Central Government who violates any provision of this Act shall be liable for such disciplinary action as may be prescribed.

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

Overriding effect of the Act.

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

Power to make rules.

25 **(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**
30 **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

India is projected to become the world's most populous country by the year 2024. Currently, India adds fifteen million people to its population base every year which is by far the largest in the world. The problematic aspect is that India accounts for about seventeen per cent, of the world population but has only 2.2 per cent of the world's land mass. The increasing population has resulted in an increasing pressure on the country's limited natural resources. As a result, we have witnessed a range of socio-economic issues in the past few decades such as large-scale environmental degradation, urban air pollution and the reduction of the size of agricultural holdings. Additionally, the state of the infrastructure in the country has failed to meet the demands of the growing population. Most parts of the country are suffering due to absence of education and health facilities.

In the past three decades, India has made significant progress in decreasing population growth. As per the World Bank, the fertility rate in the country has decreased from 5.19 in 1975 to nearly 2.4 in 2015. It is expected in the coming decade that the fertility rate in India will soon reach the replacement level of 2.1. However, despite the decrease in fertility rate, according to United Nations World Population Prospects report, India's population will continue to increase up till 2050. Given the array of socio-economic issues arising as a result of over population, it is important that India as a country starts focusing on steps to decrease population rather than just stabilising it. Moreover, the population growth is very uneven across the country. While some States have successfully been able to stabilize their population, northern States have witnessed and continue to witness high population growth. It is essential to focus on specific districts with high population growth rates to tackle the problem effectively.

The Bill, therefore, seeks to introduce incentives for adopting small family norms and provides for constitution of the National Population Stabilisation Fund to assist the States and Union territories to take measures for population control. It is vital for us to realize that population control and enforcement of two child norms for central government employees are immediate measures, however steps such as providing contraceptive devices and encouraging family planning can possibly play a stronger role in decreasing the population growth rate in the long run.

Hence this Bill.

NEW DELHI;
January 16, 2020.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for constitution of District Population Stabilization Committees to encourage and motivate married couple to use of contraceptive methods for population control. Clause 6 provides for payment of lump sum cash amount to married couples living below poverty line as an incentive for population control. Clause 8 provides for the introduction of a compulsory subject on population control in all schools. Clause 9 provides for the establishment of the National Population Stabilization Fund. Clause 10 provides that the Central Government shall provide funds for carrying out the purposes of the Act. The expenditure in respect of Union territories shall be borne by the Central Government. The expenditure in respect of States shall be borne by the State Government concerned out of their respective Consolidated Funds. The Bill, therefore, if enacted, would involve an annual recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the provisions 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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(Dr. Nishikant Dubey, M.P.)