

Bill No. XXXV of 2009

THE BOOMING POPULATION CONTROL BILL, 2009

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BILL

to provide for the promotion of family planning measures by the Central and State Governments to control the booming population of the nation through incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Booming Population Control Act, 2009.

Short title,
extent and
commencement.

(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.

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

Definitions.

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

(b) "prescribed" means prescribed by rules made under this Act.

Giving effect to the policies of the States as laid in article 38 of the Constitution of India.

3. Notwithstanding anything contained in the Constitution of India or any other law for the time being in force, it is hereby declared that the provisions of this Act are for the purposes of giving effect to the policies of the State towards securing the principles laid down in article 38 of the Constitution of India.

Formulation of Comprehensive Population Policy.

4. The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a comprehensive population policy particularly for the purposes of having one child norm for the eligible couples and other issues including economic, education, legal medical, social and other incidental aspect to promote small family norms so as to effectively control the booming population of the country in order to achieve rapid economic progress and raise the standard of living of the masses.

Facilities to Government employees who adopts small family norm.

5. Notwithstanding anything contained in any other law for the time being in force employees, of the Central Government or of a Public Sector enterprise under the Control of Central Government who adopt small family norm undergoing sterilization operation himself or of the spouse after the birth of his first child shall be given:—

(a) one year additional salary with all allowances along with two additional increments as incentives;

(b) a plot or a house site or build up houses the from Housing Board or Development Authority of the Government at subsidized rates;

(c) loan for construction or purchasing the house from banks or financial institutions on nominal rate of interest;

(d) free healthcare facilities;

(e) free education facilities to the child with vocational training and professional courses wherever necessary; and

(f) such other benefits and incentives as may be prescribed.

Extension of benefits to general public.

6. The incentives and benefits referred to in section 5 shall be extended *mutatis mutandis* to the general public in the manner as may be prescribed.

Loss of benefits whoever contravenes small family norm.

7. Whoever in contravention of small family norm procreates more than two children shall lose the incentives and benefits provided in this Act and in addition thereto shall.

(a) be denied the subsidies in matters of loans extended to him;

(b) not be eligible to get the benefits of Public Distribution System;

(c) not be given and loan by and bank or financial institution; and

(d) not be entitled for such other facilities as may be prescribed.

No maternity benefits to be given for those having more than two living children.

8. Any woman having two living children shall not be provided with maternity facilities in any Government Hospital Dispensary, Health Centre or Medical Center for the birth of her third child:

Provided that if such woman agrees to undergo sterilization operation after the birth of her third child then she shall be provided with the requisite maternity facilities forthwith.

Miscellaneous provisions.

9. (1) Notwithstanding anything contained in any of the election laws for the time being in force, a citizen shall be disqualified for being chosen as a member of either House of Parliament or of the legislature of a State or of any body of the local self government bodies, if he has more than two living children:

Provided that this provision shall not apply to a citizen who have more than two living children on or before the date of commencement of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-two years of age.

(3) Every serving government employee and those who will join any government service shall give an undertaking that he shall not procreate more than two children:

Provided that provision of sub-section (3) shall not apply to those government employees who have more than the prescribed number of living children on or before the date of commencement of this Act.

10. Whoever contravenes,—

Penalty.

(a) the provisions of sub-section (2) of section 9 be guilty of shall, committing a cognizable offence and shall be punishable with simple imprisonment for a term which shall not be less than two years but may extend to four years and also with a fine, which may extend to two lakh rupees.

(b) the provisions of sub-section (3) of section 9, shall forfeit his right to promotion and shall not be eligible for any further increment till he is in government service.

11. The appropriate Government shall,—

Duties of the appropriate Government.

(a) implement the revised National Population Policy to achieve the goals enumerated therein;

(b) set up maternity hospitals and centers in sufficient numbers at conspicuous places;

(c) distribute contraceptive pills, condoms through Healthcare Centres and Non-Governmental Organizations;

(d) organize sterilization camps from time to time;

(e) distribute iron and vitamin capsules and tablets extensively amongst the expecting mothers.

(f) give wide publicity to the benefits of having small families; and

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

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.

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 appear to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulty.

14. The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect.

15. The provisions of this Act shall be in addition to and not, shave as otherwise expressly provided in this Act, in derogation of any other law for the time being in force in any part of this country.

Savings.

16. The Central Government may, by notification in Official Gazette made rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Ours is the second most populous country after China. The booming population has already crossed the one billion benchmark and currently, it is around one hundred and twenty-five crores, which is increasing every moment. Having only 2.4 per cent of global land area, we have more than sixteen per cent of the global population making it the most densely populated nation of the world. This scenario is compelling, at least half the population is 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 unparallel transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller. Agriculture is uneconomical and farmers are committing suicides due to this fact. 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. Forests are vanishing to meet the demand for fuel, construction, furniture and for funeral purposes which has resulted in water shortage and less rain. The increased level of carbon-dioxide in the environment is resulting in harmful diseases. The healthcare facilities are far from satisfactory and if this trend continues, we can hardly expect to achieve improved quality of life and the situation will move from bad to worse.

It is, therefore, imperative that effective steps must be taken to check the booming population and this should be tackled at all levels. A clear message must go across the nation that since our resources are limited, we have to opt for small families. It is very 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.

Hence this Bill.

GIREESH KUMAR SANGHI

FINANCIAL MEMORANDUM

Clauses **5** and **6** of the Bill provides for various incentives for adopting small families. Clause **12** makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees one thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **16** of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for the promotion of family planning measures by the Central and State Governments to control the booming population of the nation through incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.

(Shri Gireesh Kumar Sanghi, M.P.)