

**Bill No. XXXV of 2012**

THE POPULATION STABILIZATION BILL, 2012

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BILL

*to provide for promotion of family planning measures by the Central and State Governments for population stabilization in the country through various 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 Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Stabilization Act, 2012.

(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.

Short title,  
extent  
and com-  
mencement.

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;

10 (b) "prescribed" means prescribed by rules made under this act; and

(c) "small family" means family having one child.

Giving effect to the policies of the States as laid in article 38 of the Constitution of India.	<p><b>3.</b> 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.</p>	
Formulation of Comprehensive Population Policy.	<p><b>4.</b> The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a new comprehensive population policy particularly for the purposes of having one child norm for the eligible couples and other issues including economic, educational, 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.</p>	5 10
Facilities to Government employees who adopts small family norm.	<p><b>5. Notwithstanding anything contained in any other law for the time being in force, the employee of the Central Government or of a Public Sector enterprise under the Control of Central Government who adopts small family norm undergoing sterilization operation himself or of the spouse after the birth of his first child shall be given:—</b></p> <p><b>(a) one year additional salary with all allowances along with two additional increments as incentives;</b></p> <p><b>(b) plot or house site or built house from Housing Board or Development Authority of the Government at subsidized rates;</b></p> <p><b>(c) loan for construction or purchasing the house from banks or financial institutions on nominal rate of interest;</b></p> <p><b>(d) free healthcare facilities;</b></p> <p><b>(e) free educational facilities to the child with vocational training and professional courses wherever necessary; and</b></p> <p><b>(f) such other benefits and incentives as may be prescribed.</b></p>	15 20
Extension of benefits to general public.	<p><b>6. The incentives and benefits referred to in section 5 shall be extended <i>mutatis mutandis</i> to the general public in the manner provided therein.</b></p>	25
Loss of benefits whoever contravenes small family norm.	<p><b>7.</b> Whoever in contravention of small family norm procreates more than one child, shall lose the incentives and benefits provided in this Act and in addition thereto shall,—</p> <p><b>(a) be denied the subsidies in matters of loans extended to him;</b></p> <p><b>(b) not be eligible to get the benefits of Public Distribution System;</b></p> <p><b>(c) not be given any loan by any bank or financial institution; and</b></p> <p><b>(d) not be entitled for such other facilities as may be prescribed.</b></p>	30
No maternity benefits to be given for those having more than one living children.	<p><b>8.</b> Any women having one living child shall not be provided with maternity facilities in any Government Hospital, Dispensary, Health Centre or Medical Centre for the birth of her second child:</p> <p>Provided that if, such women agrees to undergo sterilization operation after the birth of her second child then she shall be provided with the requisite maternity facilities forth with.</p>	35
Miscellaneous provisions.	<p><b>9. (1)</b> 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, if that citizen has more than two living children:</p> <p>Provided that this provision shall not apply in case of a citizen having more than two living children on or before the date of commencement of this Act.</p> <p><b>(2)</b> 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.</p>	40 45

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

5 Provided that this provision 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 shall commit 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.

10 (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 Government.

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

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

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

(d) organize sterilization camps from time to time;

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

20 (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.

25 **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.

30 **14.** The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding any thing 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, save 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.

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

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

India is the second most populous country after China with largest birth rate in the World. China's annual rate of population growth has been 0.6 per cent, against India's 1.4 per cent. Our population is around 1.3 billion, and is increasing every moment. Around 2030, India will become the most populous country on the earth—with a population of 1.6 billion by 2050. Our global land area is 2.4 per cent, but 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 as half the population lives in slums and under squalid conditions. This has caused over crowding due to which law and order situation also 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 and 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. Jungles are vanishing for fuel, construction, furniture and for funeral purposes which has resulted water shortage and less rain and increased carbon-dioxide in the environment resulting in harmful diseases. The healthcare facilities are far from satisfactory and if, the population is not stabilised, we can hardly expect to achieve quality life and the situation will become from bad to worse.

It is, therefore, imperative that effective steps must be taken to check the increasing population. A clear message must go across the nations that since our resources are limited, we have to opt for smaller families. It is very unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. This Bill is a step towards population stabilization in the country.

Hence this Bill.

SHADI LAL BATRA

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides certain benefits to Government employees who adopt small family norm. Clause 6 provides for extension of benefits to general public who adopt small family norm. Clause 12 lays down that Central Government shall provide requisite funds from time to time for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The Bill, therefore, will involve an annual recurring expenditure of about rupees one hundred crore out of the Consolidated Fund of India. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to 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.

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*(Shri Shadi Lal Batra, M.P.)*