

## Legal Regulation on Population Control in India: A Need of the Hour

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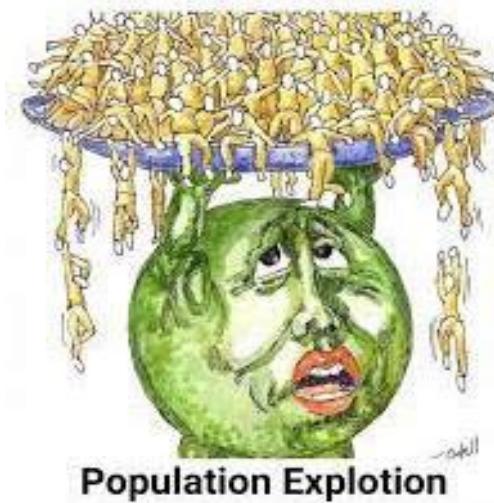
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**Abstract:** Population has become the most serious issue of the world today, due to increasing population, problems like pollution and global warming are also taking a big form. Many governments around the world have taken strict steps for population control, but still the population is increasing continuously. Controlling population is the biggest challenge of today's era. Increasing population not only worsens the economic condition of the country, it also gives rise to problems like unemployment, for its control, the government will have to make laws along with awareness. However, the countrymen should come forward and cooperate in population control by using discretion instead of law. However, when such a demand for population control arises, they are given a religious color, the country's limited resources, employment opportunities and in view of poverty, it has become necessary to find a universal solution in this matter. This research paper throws light on various issues of population control and legal requirements.

**Key Words:** Population, Unemployment, Population Control Bill, Fundamental Right.

### 1. INTRODUCTION:

Simply put, when there is a decrease in the death rate of the population of a country, a decrease in the child mortality rate, but an increase in the birth rate and life expectancy, then due to the combined effect of all these, there is a very rapid increase in the population. . This situation is called population explosion.



### 2. Causes of Population Explosion :

This type of condition is often found in less developed countries. India has passed through this stage in the 1970s but now India's population growth rate is decreasing rapidly and India's population is no longer considered a curse because India is the youngest country in the whole world.

1. Illiteracy: According to Census 2011, only 74% of India's population is still educated and this figure is even less in villages. Because of this, there are many misconceptions among the people regarding the population. Poor people consider an extra child as an extra hand of earning.



Even today many people in India consider children to be a gift of God. Some people even see children as related to religion and consider using contraceptives against religion. The combined result of all these comes out in the form of population growth.

2. Indifference towards family planning: Some people do not even know the means of family planning and some people consider using these means against their religion while some people cannot buy these means, although these means are provided by the government. Are given for free, yet do not use.

3. Lack of means of entertainment: There is still a lack of means of entertainment in many villages of the country, due to which people consider sex as a means of entertainment and keep increasing the family.

4. Superstition: Due to lack of education, people do not adopt family planning measures properly. For example, in the rural areas of India, people still believe that due to male castration, the person's strength decreases and he is not able to do hard work.

5. Wrong policies of the government: Nowadays the government gives 6 thousand rupees to the people on the birth of 1 child and 6 thousand rupees on the birth of second child also. Now how will family planning be successful in an environment of such policies?

It is known that China had strictly implemented the policy of 1 child to control its population and has got control on population growth, but India is doing the reverse of it. According to me, the government should give nutritious food items free of cost by giving 6 thousand rupees in cash so that the children are born healthy.

### **3. Consequences of Population Explosion:**

1. Pressure on the country's resources: If the population in a country increases rapidly, then the pressure on the infrastructure and resources present in that country increases, which affects the development of the country, and then the country gets trapped in the vicious cycle of poverty.

2. Decline in the standard of living of the people: It is quite common that when the earners are less and the eaters are more, then people will not be able to get food and nutrition according to their physical needs, as a result their standard of living will decline. This process continues in many villages in India even today.

3. Vicious cycle of poverty: If one's parents are poor who do not pay attention to the proper education of all the children due to more children, then it is possible that their future generations will also be trapped in this cyclone and poor in the house of the poor. Will continue to be born.

4. Affected the development of the country: It is also meaningless to imagine the development of science and technology in a country whose people will be engaged only in the maintenance of their stomach. This situation is still seen in many countries of the African continent.

### **4. What are the measures to control population?**

Some of the five methods of controlling population are as follows:

- Women should be empowered.
- Family planning should be promoted.
- Incentive money should be given by the government for joining population control schemes like family planning. So that the women and families of the rest of the society can also be inspired.
- Women and daughters should be added to the education system and the education system should be made entertaining by not making it boring.
- Following the path of China, the policy of one or two children should be adopted and implemented by the government.
- Laws

#### **4.1 National Population Policy, 2000:**

The National Population Policy was announced to achieve the immediate goal of meeting the unmet demands of contraception, health infrastructure, health workers and integrated service delivery.

The objective of this policy is to bring the total fertility to the replacement level i.e. 2 children per pair which is its mid-season goal. Its long-term goal was to stabilize the population by the year 2045.

The policy also mentions 16 incentives and incentives, including rewarding Panchayats and Zilla Parishads for encouraging small families, strict adherence to the Anti-Child Marriage Act and Pre-natal Pregnancy Test Techniques Act, to the two-child model. Incentives and sterilization facilities are to be strengthened through rewards and incentives.

#### **4.2 National Population Commission**

The National Population Commission constituted in May 2000 is headed by the Prime Minister.

The Commission is mandated to review, monitor and direct the implementation of the National Population Policy, promote synergy in health, educational, environmental and development programs and promote inter-sectoral coordination in planning and implementation of programs..

Under this commission, the National Population Stabilization Fund (National Population Stabilization Fund) was set up, but later it was transferred to the Department of Health and Family Welfare.

#### **4.3 What is population control bill ?**

The bill recommends depriving parents of government facilities for having two or more children. For violation of this, it has been said to implement provisions like removal from government job, deprivation of voting rights, depriving the right to contest elections and form a political party. On the contrary, it has been recommended to give facilities like preference in government jobs to parents having one child.

#### **4.4 UP's population control proposal in discussion**

Uttar Pradesh Chief Minister Yogi Adityanath had unveiled the state's Population Policy 2021-2030 on the occasion of World Population Day on July 11 this year. Along with this, suggestions were sought from the people of the state till July 19 on this proposal. The object of this bill is to bring the birth rate in UP to 2.1 per thousand population by 2026 and to 1.9 by 2030. The birth rate in the state of U.P. is 2.7 per thousand at present.

If this act is implemented, then there will be no chance of application and promotion in government jobs for producing more than two children in the state. Along with this, there is a provision to deprive those with more than two children from 77 government schemes and grants. If it is implemented, then within one year all government officials, employees, elected representatives of the local body will have to give an affidavit that they will not violate it. He has only two children at the time of the law coming into force and if he produces a third child after giving the affidavit, there will be a motion to annul the election of the representative and not to fight the election. Not only this, there is a recommendation for even the dismissal of government employees.

#### **4.5 Views of different religious communities regarding population control bill :**

Swami Chakrapani, president of the Hindu Mahasabha and religious guru, is of the view that this step is definitely a good step, but instead of limiting it to just one state, it should be implemented for the whole country. That there should not be any distinction of caste and community in this law, whether it is Buddhist, Hindu, Sikh or Muslim or Christian, whatever the law may be, it should be the same for everyone, lest it be for the majority society. So the law should be implemented but do not follow.

Christian religious leader Father Savera Muthu Shankar expressed the view that population is increasing not only for India but all over the world, so it is an issue of the whole world but the maximum number of youth is in our country. If so, then we also feel that the future of our country is in the hands of the youth, who come with the thought of having a new idea, Father Savera Muthu Shankar says that the way China and many other countries have adopted population control policy. But within a few spectators, he had to return from his policy because the population of the elderly started increasing in comparison to the youth, instead of making a direct policy, it should be controlled through awareness campaign.

In a statement issued by Darul Uloom, it has been said that it will affect the interests of every section of the society. Darul Uloom Vice Chancellor Abul Qasim Nomani said that this policy is against every section of the society. The government denies even basic needs for those who have more than two children is against human rights.

Asaduddin Owaisi, the head of a political party, has also opposed the population control bill.

#### **4.6 The two-child policy is already in force in these states.**

Rajasthan: According to the Rajasthan Panchayati Raj Act, 1994, in case of government jobs, candidates who have two or more children are not considered eligible for appointment. Along with this, if a person has more than two children,



then he will be disqualified to contest election as a member of Gram Panchayat or Ward. Let us tell you that the previous government has relaxed the two-child policy in the case of disabled children.

**Madhya Pradesh:** Madhya Pradesh has been following the two-child policy since 2001. According to the Madhya Pradesh Civil Services (General Condition of Services) Rules, a person having more than two children on or after January 26, 2001, will be considered ineligible for any government service. Please note that this rule also applies to higher judicial services. This rule was also implemented in the local body elections in the state till the year 2005, but later it was discontinued due to objection.

**Maharashtra:** As per the Maharashtra Civil Services (Declaration of Small Family) Corporation, 2005, a person having more than two children is disqualified for any post in the state government. Along with this, Maharashtra Zilla Parishad and Panchayat Samiti Act will disqualify a person having more than two children to contest local corporation elections (from gram panchayat to municipal corporation).

**Gujarat:** In the year 2005, the Gujarat Local Authorities Act was amended by the government. After this change, the candidate having more than two children has been disqualified for contesting elections to the panchayats, municipalities and municipal bodies.

#### **4.7 Population control: Petition filed in the Supreme Court demanding an effective law**

At present, in the petition filed in the Supreme Court, it has been said that by the 42nd Constitutional Amendment 1976, the subject of population control and family planning was added to the concurrent list, so it is the duty of the central and state governments to pass an act related to it.

Apart from this, in 2002, the Constitution Review Commission directed the Central Government to make a law related to population control, in the present petition filed, it was asked to implement the recommendations of the Constitution Review Commission.

The petition has sought a direction to the Central Government to make effective legislation for population control. The petition said that the Center should be directed to consider adopting the two-child policy. Government jobs, government assistance and subsidies should not be given to those with more than two children.

It has been said in the petition that the main reason for many problems of the country is population. It has been claimed in the petition that the actual population of India is much more than what is stated in the government records. According to an estimate, the population of the country has exceeded 150 crores.

Due to population explosion, India appears backward on all parameters of development. Population explosion is the root cause of 50% of the problems in India. It has been said in the petition that due to population explosion, the right to clean air and drinking water, right to health, right to education and other rights are being affected.

Along with this, population explosion has also been held responsible for the increase in crimes against women in this petition. It is noteworthy that earlier notice has been issued by the Supreme Court on such a petition filed by BJP leader and lawyer Ashwini Kumar Upadhyay.

#### **5. Advantages of population control :**

If a country implements a law related to population control, then they will have some such benefits:

- Population explosion will be curbed.
- Problems related to paucity of resources will be reduced.
- Exploitation of nature will be less.
- Natural resources will be protected.
- To a great extent there will be relief from global warming and global pollution.
- Health related services for women and children will be better.
- There will be a lot of change in the traditional role of women.
- The stability of the earth will be ensured.
- Poverty will be reduced.



## **6. Disadvantages of Population Control :**

Population control has many advantages, but after implementing it, many disadvantages or say, many problems may also have to be faced. like:

- Freedom of the people and their human rights can be summarized.
- The population structure between the states of the country will be significantly affected and the differences between them will increase.
- The genetic diversity will decrease significantly.
- It will be more beneficial only if there is a global agreement, otherwise not.
- The number of orphans may increase.
- Miscarriage rates may increase.
- The number of migrants will increase.
- Financial burden on a single generation will increase.
- There will be a negative impact on the economy.

## **7. Findings & Suggestions :**

The Government of India, leaders and policy makers should take the initiative to formulate a strong population policy, so that the economic growth rate of the country can be kept in sync with the demands of the growing population. The major steps that have been taken to control the population need to be implemented more vigorously. To improve the welfare and status of women and girl child, spread of education, methods of contraception and family planning, sex education, promotion of male sterilization and differential birth of children, free distribution of contraceptives and condoms among the poor, promotion of women empowerment , more healthcare centers for the poor, etc. are some of the steps that can play a big role in controlling the population.

Although the government has been organizing many awareness camps about family planning from time to time, but now the need of a strict law on this subject is also felt in the country so that along with morality, individuals can do their family planning by staying within the law. And make your best contribution to the development of the nation and society, but the significant contribution can be made possible only when the subject of controlling population in the nation and society is positively adopted so that by adopting it, work is done with bell and milk. Here people do not believe until they are deprived of facilities, so by strictly adopting the population control law, the rapidly growing population can be curbed in a limited time, possibly if the society is made aware about the fatal consequences of population growth. If done, they themselves will definitely make their special contribution in the work of population control.

## **REFERENCES:**

- <https://www.bbc.com/news/world-asia-india-57801764>
- <https://pubmed.ncbi.nlm.nih.gov/12315281/>
- <https://www.policyforum.net/uttar-pradeshs-proposed-population-control-law-must-not-go-ahead/>
- <https://www.telegraphindia.com/opinion/proposed-population-control-bill-would-have-constitutional-repercussions/cid/1843455>
- <https://populationmatters.org/news/2021/07/indian-policy-risks-return-dark-ages-population-control>
- <https://www.policyforum.net/uttar-pradeshs-proposed-population-control-law-must-not-go-ahead/>
- Image source: <https://m.facebook.com/Population-Explosion-101064338701591/posts>