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# **POPULATION CONTROL BILL: A MUCH NEEDED LEGISLATION**

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## **Abstract**

India is a land of diversities there are multi lingual multi ethnic diverse population lives in India. Due to so much diversity in India there is demographic distinction in the society. To maintain this unique diversity it is necessary that each member of the Indian Society should have his resource secured. The population of India is a big problem in the way of securing its citizens their proportionate due of resources .Due to unproportionate distribution of resources there are chances of collision between the different sections of society that in a long run can be very harmful to the society .To solve this problem Population control bill have been proposed in the Rajya Sabha 2 times in 2019 and 2021.But unfortunately this bill has not taken the shape of legislation .Due to Vote bank policies of the different political parties this bill has not been passed until now. This paper deals with different provisions that are present in constitution of India that indicates the need of population control bill, what are the advantages this bill will achieve are and the precautions to be taken before implementing it.

## **I) Introduction**

As I have already discussed in the above section that to maintain the egalitarian society in which all the residents of the country will secure their share, a regulation on Population is very much needed. Our country is multiple religious, multiple ethnic and multilingual society that have different cultures and different personal laws. To maintain this diversity there is need of some uniformity in securing their livelihood and other services. To maintain the dignity of Individual it is necessary that our population must be stabilized in order to reach goal of developed India, because if there are no limit on population every resource will be exhausted and nothing is left for future. Our country has enough of resources but not unlimited as said by the Father of Nation

Mahatma Gandhi

“Earth provides enough to satisfy every man's needs, but not every man's greed.”

According to statistics India is the second most populated country in the world. India's share to world population is approx 17% which is a big number for any developing country. Although it has some positive aspects like India has one of the youngest population in the world with an average national age of approximately 29 years, while 41 per cent of our population is below 18 years of age. If provided with right education, employment and technical skills this population can play an important role in Nation building and development. But after certain limit this overpopulation can lead to population explosion and has detrimental effects on the country.

## II) Need for population control

Every excess leads to destruction. Any Nation's progress majorly depends on the economic growth of the country. To economically develop a country the major step is future planning, and every plan works for a certain population and population growth and by managing the resources accordingly. If there will be outburst of population how will the plan work, so to plan the resources according the population we need a sustainable population then only the surplus will be used for the infrastructural development of the country, and this is the major cause why India needs Population control. Let us discuss the few points about the need for population control here as under:-

- i) Capital Formation- Due to high birth rate and low expectancy of life there is an increase of dependants in the total population of India. In India 35% of population is of people less than 14 years of age. They are unproductive consumers, these people does not contribute to the nation's economy, They are mainly responsible for the low rate of saving, low investment rate, and low rate of capital formation since they are not employed and do not receive remuneration to invest, save or partake in capital formation<sup>1</sup>.
- ii) Per Capita Income-Due to overpopulation despite having increase of 3.6 % in India's National Income between 1950-51 to 1980-81 the per capita income has increase only about 1 % .This low growth rare is due to the fact that population growth has increased by 2.5 per cent. This sluggish growth rate of per capita income has resulted from a high

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<sup>1</sup> <https://blog.ipleaders.in/population-control-india-violation-fundamental-rights-necessary-step/>

population growth rate despite high national income in specific years.

- iii) Increase in Unemployment- Due to increase in population there is an increase in unemployment .The major challenge is how to provide the unemployment to youth every year and how to reduce the accumulated unemployed from the previous years. For a developing country like India it is very challenging task to manage the limited capital resources by giving employment to the youth and also use it for the infrastructure building of the Nation. Disguised unemployment in rural areas and open unemployment in urban areas are the standard hallmarks of a developing country like India. With the growth in the labour force at an average annual rate of 2.4 per cent, there is only a slight possibility of reducing unemployment for years to come.
- iv) Poverty as a Major Hindrance to Development- In the face of an ever-growing population, inequitable distribution of income and inequalities within the country broaden. The growing population is deepening poverty in India as there is a scarcity of resources which is also concentrated in the hands of a few. Also, people have to spend a large share of their resources for bringing up their dependents.
- v) Maternity welfare – In India due to high birth rate and unmatched facilities in Hospitals there is very high mortality rate .Less gaps between the birth if child is also very major cause of high mortality of infants and also it has adverse effects on the mother. This leads to a high death rate among women of procreative age due to early marriage. Hence to improve the welfare and stature of women in our society, we have to lessen the birth rate.
- vi) Over population and its effects on Environment- High growth of Population has very degrading effect of environment. High generation of toxic waste has bad impact on Air quality index that leads to air pollution, effects on water by effluents from industry leads to water pollution, and the deposition of waste in soil leads to soil pollution. Ultimately these types of pollutants lead to severe destruction of biosphere. A significant cause of biodiversity loss has been the depletion of vegetation to grow agriculture by the rapidly surging population
- vii) Scarcity of resources and services- The rapid rise in population puts a massive burden on infrastructures like health care, education, housing, water supply, sanitation, power, roads,

and railways. Infant mortality is already relatively high. Malnourishment in children is widespread. Ample villages are devoid of any source of drinking water in India due to the scarcity of financial resources. India has not provided many essential services adequately due to a significant increase in population. India has the largest illiterate population in the world. There is mass illiteracy among women, especially in rural areas. The goal of education for all is far away.

**viii)** Standard of living- Rapid population growth is to be blamed for India's low standard of living. Even the bare necessities of life are not available adequately since resource distribution has been a major issue.

**ix)** Social problems - Population explosion leads to a rise of several social problems. It causes the migration of people from rural areas to urban areas, causing the creation of slum areas. People live in the most unhygienic circumstances. Unemployment and poverty lead to frustration and resentment among the literate youth. [This leads to robbery, prostitution and crimes. The terrorist movements that we find today in numerous sections of the country exhibit frustration amidst unemployed professional youth.](#) Overcrowding, traffic congestion, frequent accidents and pollution in large cities are the immediate result of overpopulation

## Parliamentary debates on Population Bill

A few years back, the [Prime Minister expressed concern](#) over the prospect of a 'population explosion' in India in his address to the nation on Independence Day and said that keeping small families was patriotic. It has since sparked a keen interest and debate on population control policies. The two-child policy has been presented in the Parliament over 35 times since 1947. Key points of the debate on the population control bill are as follows:

- Procreation, reproduction and family planning are sensitive and private facets of every citizen's life. The rights and liberties in these aspects must be assiduously protected from groundless invasion.
- Nevertheless, the government needs to implement population control policies to solve many issues such as poverty and the lack of satisfactory social and health services that torment India presently. However, a law for this purpose would always be questioned of its constitutionality.

- A policy to control and monitor the number of children a family is allowed to have is a crass infringement of human rights and the right to a citizen's reproductive autonomy. A right to reproduction is not explicitly written in the [Constitution](#), but It falls under the purview of [Article 21](#) (right to life and right to personal liberty). This kind of policy would strip individuals of their fundamental right to life, personal liberty and personal autonomy which includes reproductive rights, which involves making sexual, intimate, private and reproductive choices.
- Indeed, the government has already found valid reasons to intervene in various spheres pertaining to procreation, family, personal, private and sexual life. Polygamy is against the law, adultery was just recently decriminalized, there is a minimum age requirement for marriage, and the state decides upon what grounds couples may legally divorce. Consequently, it is inexact to say that the government has not previously intervened in private matters and the sexual conduct of its citizens. It is just that the aim is different when it comes to population control.
- There is a requirement for alternative laws that may confront constitutional scrutiny. For population control legislation to work, it would require the fabrication of innovative and compelling grounds that affect the ability of people to think a certain way without encroaching upon the rights and the Constitution. This will have to be conducted by united efforts to propagate contraceptives and family planning awareness.
- Decisions regarding procreation and the size of a family are very personal choices and the privacy of citizens must be maintained. Therefore, stringent population laws are against the notion of fundamental rights and another approach is required to curb population. Health awareness and financial burdens of a large family must be propagated to all and especially to the poor and the less fortunate.

## **Countries that have population control laws**

### **Population control in the People's Republic of China**

#### **One-child policy**

China has the largest population on earth. Fearing that overpopulation would hinder their economic development, the Chinese government in 1979 implemented a one child per family policy. Per the policy, pregnant couples were required to file for a family planning service certificate. Then the government issued a birth permit through a complex procedure, making the

task of having a baby more difficult. The government treated the applicant's mother and father with intense scrutiny. The Chinese government uses an identification number to keep track of the wombs in China. If parents did not acquire the certificate before the child's birth, the hospital would not circulate a birth certificate, and thus, there would be no legal document or record of the child's birth. These methods discourage people in China from having more children. The Chinese government deems reproduction as a privilege it awards only upon the citizen's accomplishment of their duties towards the state. Once a couple has been granted the right to have a child, they must use contraception to block further pregnancies. Because China's society has deeply inherent patriarchal customs, the burden for contraception falls primarily on the woman. Officials typically granted certain types of contraception, namely intrauterine devices (IUDs) and tubal ligation. These methods are easily checked, lasting, and offer bureaucratic expediency. Ordinances urged women with one child to use IUDs and those with two children to undergo tubal ligation.

### **Two child policy**

Then in 2016, China eradicated its decades-long one-child policy to combat an ageing society and narrowing workforce. Espoused couples could have two children and no longer had to appeal for a family planning service certificate. While the relaxation did result in some improvement in the proportion of young people in the country, the policy change was deemed insufficient in averting an impending demographic crisis.

### **Three child policy**

A shrinking working-age population and a growing retired population would hamper China's economic growth and strain social services. The one-child policy also led to selective sex-based abortions, causing a sex imbalance to form over time. Therefore from May 2021, couples in China will be allowed to have up to three children, as policymakers seek to address the country's long-term demographic imbalances.

### **Population control in Indonesia**

Indonesia has one of the most robust and most thriving national family planning initiatives in the world. With the aid of Muslim leaders, the country doubled its contraceptive ubiquity rate to nearly 60 per cent between 1976 and 2002. It halved its fertility rate from 5.6 to 2.6 children per woman. This unquestionably helped lay the foundation for Indonesia's rapid and effective annual

economic growth of at least 5 per cent since 1980. Among other things, the government authorized to:

- Strengthen the program at district levels to sustain local access to family planning.
- Render family planning services and supplies free of charge as part of the country's Universal Health Coverage Program started in January 2014.
- Boost health worker training efforts, particularly around long-acting reversible processes.
- Refine 23,500 family planning clinics by the end of the year.
- A much more substantial budget supports these endeavors. This outreach will be joined with the "Right Time, Right Method, My Choice" mass media and social media campaign, which intends to reach 2.9 million women of conceptive age in the target areas through radio, TV, print and online outlets. The government is also optimizing Smartphone apps to reduce obstacles to obtaining reliable and timely family planning knowledge, including information on health centers and providers.

## Conclusion and Suggestions

This is a high time for a country like India which is having 17 % of world population to enact population control bill in order to regulate the population. The unmanageable population will result in population explosion. The dangerously growing population will be a threat to the development of the country. No development scheme will work if there is so many burdens are laid on the limited resources of the country. There will be considerable loss of lives due to inadequate sanitation facilities will be expected .Environment will be destroyed and the standard of living will degrade. From time to time the governments have tried to limit the population by adopting different measures of control. But there is no good outcome has received which is a indication of danger.

So now it is a time that governments should adopt strict measures in a democratic way to ensure the proper control on the population. Every section of the society must be taken into confidence before passing any Population Control Bill.