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“Dharma is to protect the Needy”

Article on
Population Control Bill,2020: A Practical Evaluation of the Societal
Hurdles and the Way Ahead.

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Abstract

The Population Control Bill, 2020 is going to be introduced by a private member bill drafted by Abhishek Manu Singhvi which aims to control India's increasing population. It is known that overpopulation in India has always been a root cause of major problems such as resource availability, poverty, starvation increased corruption, deterioration of the environment etc. thus it becomes necessary to take some measures to control the population, though various policies have been brought by the government in the previous years and it cannot be denied that no results have achieved so far but still the country stands as the second-most populous country putting hindrance in the development process and considering the same view the bill has been drafted. It is stated that to make India self-reliant popularly known as *Atmanirbhar* Bharat it is required to make this bill a law but in a country like India before making any law its social fabric needs to be considered where son-meta preference is so prevalent which alone has given birth to 21 million unwanted girls and even international experiences indicate us that any stringent actions for the population control can also produce counter effects so if such bill becomes act will it achieve its desired results or will it be counterproductive. This paper will try to explain the background of the overpopulation crisis and critically analyse the Population Control Bill, 2020, also the social problems which can arise if the bill passes and will put forward some suggestive remedies instead of the bill which may bring positive results in solving the overpopulation crisis.

Introduction

With 20.1 million births, India tops the nations with the anticipated highest numbers of births in the nine months since the World Health Organisation (WHO) on March 11 declared the Covid-19 outbreak pandemic.

Human resource is the biggest asset any country can have but the continuous rapid escalation in the population becomes a liability for the nation; it becomes very difficult for the government to provide all basic resources, even if the government manages to provide the basic necessities, somehow the quality decreases which further puts the hindrance in achieving the sustainable development.

It is apparent that Covid-19 has impacted almost every living creature in the world. Besides several other crises, it has also placed barriers in the family planning of the country. Poonam Muttreja, executive director of Population Foundation of India (PFI) stated that during Covid-19 "The absence of family planning services, as well as the limited supply of

contraceptives, will result in an increased number of unplanned births, abortions, and additional childbirths,”

We are aware that India is one of the most populous countries. According to UN Reports India will be at the centre of a baby boom triggered by the Covid-19 outbreak which is signalling the unforeseen population problems that the country will continue to face. Various measures have been adopted in the country in regard to the overpopulation before. In 1952 it stressed the use of natural devices for family planning. In 1965 the sterilization technique was adopted for both men and women and also the Family Department was set up in the country. The central govt also formulated the national population policy in February 2000. Along with policies various campaigning has been done; “**Hum do humare do**” plays much relevance in the family planning awareness but in spite of all the efforts the use of contraceptives and sterilization techniques still remains a taboo in our society and we are unable to achieve the desired results.

In consideration of the above premises, several times the population control bill has been proposed but never became an act. In the same regard keeping in mind, the adverse impact of India’s rapidly increasing population on its restricted natural resources Congress MP Abhishek Manu Singhvi moved a bill in the Rajya Sabha for the enforcement of the two-child policy but it also has some loopholes which need to be tackled otherwise it can put forward various other problems.

Background

Since Independence, more than 35 times the population bill has been proposed in the Parliament to achieve the objective of controlling the population. India was one of the first countries to introduce family planning programmes in 1951 but at the same time, India has a dark history of mass sterilizations. It began in the 1970s and during the 1975 Emergency when the civil liberties got suspended at that time around 6.2 million Indian men were sterilized in a year, this has always been criticised not because it involved sterilization but at the time of emergency it involved coercive element in it which is always regarded as dangerous in the democratic society. but this didn’t affect much on the growth of the population. After this government focused on stabilising the population and improving the quality of life. It took various positive steps such as focusing on reproductive and child health approaches. In 2001, the National Policy for Empowerment of Women was adopted with the ultimate objective of ensuring women their rightful place in society by empowering them as agents of socio-economic change and development.

So, carrying this background forward, in 2020, Anil Desai, a Shiv Sena member of the Rajya Sabha introduced a proposal to amend Article 47A of the Constitution to include The State shall promote small family norms by offering incentives in taxes, employment, education etc. to its people who keep their family limited to two children and shall withdraw every concession from and deprive such incentives to those not adhering to the small family norm, to keep the growing population under control.

So, this would create a guideline for the state to keep the population in control. After this Senior Congress leader Abhishek Singhvi has moved a private member bill in Rajya Sabha that calls for enforcement of a two-child norm through incentives and disincentives which is titled as Population Control Bill, 2020.

Analysing Population Control Bill, 2020

A private member bill is to be introduced by the Congress MP and Senior Advocate Abhishek Manu Singhvi for the implementation of the two-child norm policy. The main aim of this bill is to control India's population by the method of incentives and disincentives and the same is also stated in its preamble that is "to provide for measures to control the population in the country and for matters connected".

Further, the bill says

Notwithstanding anything contained in any other law for the time being in force, this Act shall be applicable only 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.

The bill defines that this act shall be applicable only to **married couples**. Now if we talk about its application it has some ambiguities in it as the bill doesn't state anything about **live-in relationship couples, single parents** so how many children will they be allowed to have? The bill is silent about the categories who are out of wedlock. It also stated that the boy is not less than 21 years and the girl should not be less than 18 years but in the Muslim religion, the girl can marry on attaining puberty even if she is less than 18 years of age, then what about them this also needs to be answered but it might be understood as an attack on the personal laws.

Availability of Contraceptives

Section 4 of the bill states that the Central government shall ensure that contraceptives are available at reasonable rates at all sub-health centres in the country and Section 6 states about setting up of district-level monitoring committee to be known as District Population Stabilisation Committee in hundred districts with the highest recorded population growth rates for the purpose of this Act and the committee shall encourage the use of contraceptives. Now

here we need to acknowledge that only the availability of contraceptives will not make much difference. It can be found that the use of contraceptives is taboo in our society. The use of contraceptives requires more awareness. It has been found that the burden of using contraceptives often lies on women whereas men, who are considered to play a major role in all the decisions of a family remain ill-informed. A recent study has been conducted by the International Centre for Research on Women titled "**It's on Him too: Pathways to Engage Men in Family Planning**" it has been found that men perceive the use of contraceptives as an attack on manhood and that sterilization can compromise their role as provider. In addition, one in five men thinks that it's women's responsibility to avoid getting pregnant and up to 54% of the men said that their wives could not use contraceptives without their permission and thus most of the methods relating to sterilization focus on women. Thus, the above premises show that it's not the availability of contraceptives that can be alone blamed but before that the major issue is the awareness regarding contraceptives as well as towards family planning though the bill talks about setting up of committees for the purpose of awareness but only in hundred districts so these awareness committees or campaigns are required on a whole India level basis.

Incentives under Population Bill

Section 6 talks about the benefits to be given to a couple who opts for sterilization process it states that in case of a married couple who goes under sterilization process after having a first child then they will be given various benefits such as preference in the higher education, preference for selection in the government jobs etc.

Section 7 says in case of a married couple who is below the poverty line and after having one child they undergo sterilization process then they will be given benefits given in Section 6 besides this they will be also given a lump sum amount of Rs 60,000 in case of a male child and Rs 1,00,000 in case of a female child. So, these **policies of incentives** shall always be promoted and it can very positively help in achieving the goal of population growth.

Disincentives under Population Control Bill

Section 8 of the bill states that in case of a married couple who will be having more than two children will be debarred from the following:

- Contesting elections in Lok Sabha, state legislatures and panchayat elections
- Getting elected to the Rajya Sabha, the State Legislature, and similar elective bodies
- Promotion in government services
- Applying to any group jobs in central and state government

- receiving any kind of Government subsidy, in case the married couple falls in the Above Poverty Line category

While such disincentives may support the aim of achieving the population balance but certain aspects still need to be realised such as in rural areas might be the family is having more children thinking they will be having more helping hands in the future for their primary activities so not able to get government jobs may not affect them and in this era of globalization and privatisation, a percentage of the population is getting tilted towards private jobs so they may prefer having more children and doing some other jobs. Another parameter which says about debarring an individual from contesting the elections this provision can have some negative consequences on the women as in India unplanned pregnancies are so common and it is not in the hands of women that while giving birth she might have twins or triplets so in such conditions their husbands might leave them which will invite unnecessary sufferings in their life. Thus, while making such provisions either some exceptions can be made or its ambit needs to be broadened if not then solely the approach of incentives can be followed.

Will the Bill produce counter effects?

Though it is true that population control will bring several benefits to the country be it in terms of prosperity, health, literacy, corruption but at the same time for achieving the ends means cannot be coercive be it direct or indirect. India was also the signatory to the Programme of Action (POA) of the International Conference on Population and Development, 1994, which was unequivocally against coercion in family planning.

The past experiences have shown that any type of coercion may result in counterproductive effects and lead to demographic distortions it has been evident that when China imposed its one-child policy the workforce and the birth rates of the country decreased drastically thus increased the strain on the state services so if India puts some stringent population control measures then it may turn the condition worse especially in some states such as Sikkim, Kerala and Lakshadweep where the fertility rate is already low we might face the similar ageing population issues like China so we can focus more on population stabilisation, incentive approach can be followed and more focus on family planning policies, its benefits and awareness can be made related to several issues so that it will help us to change the social fabric of the country related to family planning. Previously also the policies have benefitted up to a certain extent but more steps are required to be taken in the same direction and implementation on the ground level is a prerequisite.

Suggestive Remedies

Awareness

While implementing a strict two-child policy may not bring the desired positive result because of the reasons mentioned above, the question that arises is what are the possible ways to achieve population control. One of the major problems is awareness people even in urban areas are not too compatible with the idea of sterilisation. In rural areas and in some parts of urban areas using contraceptives is not very common and people often refrain from discussing these issues. India contributed the largest percentage in unplanned pregnancies in 2015 and during the lockdown period the percentage has increased and it has been stated that due to lack of access to family planning methods the use of contraceptives has decreased by 15-23%. Thus, it has become necessary for the country to spread awareness regarding modern methods of contraceptives, their uses and whatever fears the public have regarding the uses can only be cleared by the PAN India awareness drives and doorstep deliveries of contraceptives is required and in every four weeks the follow up should be made. The perfect example of such awareness campaigns can be taken from Bangladesh where the female workers used to visit the households to provide them contraceptives and after every five to six weeks a follow up was used to be done by them and by this process the usage increased up to 62%. Besides this one more issue which needs our attention is the availability of contraceptives to the sex workers it is often claimed that the children reproduced by them is a result of their work and not choice so they should not be ignored.

Thus, NGOs, civil societies and governments need to join hands and it can bring the country much closer to its results.

Women Dependency

Another step that can be taken is to reduce the dependency of women on their husbands and it can be done by creating more employment opportunities for women and creating a safe environment for them. It has been found that before using any contraceptive methods or any sterilization method they need to take permission from their husbands and there is a direct relationship between being independent and decision making and several times it has been seen that even if they make their husbands ready for the use of contraceptives they don't get the support from them which is usually accompanied by a statement that "If anything happens during the process or after that I will not be accompanying you" this creates fear of divorce and even if not that it is very well known that during the use of contraceptives or while going through sterilization various minor complication arises at that time they require rest and even some extra nutrition; it may sound cumbersome but in some of the households women are not

even able to get milk and ghee and it is considered as a burden as they are not earning so why they even require it. Thus, it has become necessary to increase employment opportunities for women in all sectors of society and at the same time the need to include men in the family planning and to make them aware that family planning will not only improve women reproductive health but will also ensure healthier children and better availability of resources to them.

ADOPTION

According to the United Nations Children's Fund (UNICEF), India has 29.6 million orphaned and abandoned children but how ironic it is that at one time we say children are the future of our country but those are present in front of us we don't think about their nurturing. Adoption in India for couples has always been the last resort and this has manifold reasons. It is often believed that a child should be of one's own lineage or sometimes due to societal thinking we refrain from adoption. The infertile couples after going through all the medical treatments are still unable to produce a baby and they prefer having no child at all rather than going for adoption thus we need to ask ourselves for how much time we will remain in the shell of caste, lineages the researcher at the time of survey came across that most of the people support adoption but they never want to go for it themselves. Apart from this the government also needs to focus upon childcare policies and awareness needs to be made regarding the legal process of adopting a child.

Conclusion

Every society has some social, economic and cultural barriers. Though we have made significant roads to overcome these barriers, still India has a long way to go. As a society we need to understand the importance of family planning and how overpopulation is a hindrance in the development process. Everything can be achieved when the society understands its importance and try to work together towards it. Stringent laws will not make any difference if they bring negative consequences with it thus changes should be made on the policy level and awareness is the key to the lock besides this if any law is required then it should be made keeping in mind all the sections of the society.